

# Exhibit 7

Eric Perez Volume I  
March 08, 2018

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CIARA NEWTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	No. 4:17-cv-03961-YGR
EQUILON ENTERPRISES, LLC	)	
DBA SHELL OIL PRODUCTS,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

- - - -

VOLUME I

VIDEOTAPED

DEPOSITION OF ERIC PEREZ

(Pages 1 - 260)

Held at the Offices of U.S. Legal Support

44 Montgomery, San Francisco, California

Thursday, March 8, 2018, 9:45 a.m.

- - - -

REPORTED BY: ELAINA BULDA-JONES, CSR #11720

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1 Q. Do you recall reviewing Ciara's  
2 application?

3 A. No.

4 Q. Do you recall discussing Ciara at the  
5 alignment meeting?

6 A. No.

7 Q. Okay. Do you -- do you recall -- do you  
8 know how many of the applications that were received  
9 for that hire class were from women?

10 A. No.

11 Q. Do you have a -- an estimate as to what  
12 percentage of those applications were from women?

13 MR. LAFAYETTE: Objection. Lacking in  
14 foundation. Requires this witness to speculate.

15 THE WITNESS: No.

16 BY MS. SMALLETS:

17 Q. Okay. At some point in time Ciara told  
18 you that she'd found a sticker on her desk that  
19 said, "If your pussy hurts, just stay home,"  
20 correct?

21 A. Yes.

22 Q. Where were you when you had this  
23 conversation with her?

24 A. The shift team leader office.

25 Q. Where's your office?

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1 A. At that time, in the clean fuels control  
2 center.

3 Q. Is that in the same building or a  
4 different building?

5 A. Different.

6 Q. Did you approach Ciara or did Ciara  
7 approach you to talk about the sticker?

8 A. I didn't know about the sticker until she  
9 told me. So she must have approached me.

10 Q. Okay. And you -- she told you that she  
11 didn't notice it on her desk when she arrived that  
12 morning?

13 MR. LAFAYETTE: Can I have the question  
14 back?

15 (Whereupon, the reporter read the record  
16 as follows:

17 "Question: And she told you that she  
18 didn't notice it on her desk when she arrived that  
19 morning?")

20 THE WITNESS: It could have been like  
21 that, but I just can't say for sure.

22 BY MS. SMALLETS:

23 Q. Okay.

24 MR. LAFAYETTE: You don't have to  
25 speculate or guess.



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1 THE WITNESS: Yeah.

2 BY MS. SMALLETS:

3 Q. Okay.

4 A. I don't know for sure.

5 Q. Okay.

6 A. I don't recall.

7 Q. Okay. Did she give you the sticker?

8 A. She kept it. Let -- let me go back. I

9 believe she kept it. I just -- I want to give

10 you --

11 Q. Okay.

12 A. I believe she kept it.

13 Q. Did you make a copy of it?

14 A. I don't recall.

15 Q. Okay. Did you ever have a copy of it?

16 A. I believe so.

17 Q. How did you get a copy of it?

18 A. I don't recall.

19 Q. Okay. What do you recall Ciara telling

20 you about the sticker in that initial conversation?

21 A. Say that again.

22 Q. What do you recall Ciara telling you about

23 the sticker in your initial conversation with her

24 about it?

25 A. She'd found it on her desk.

1 MR. LAFAYETTE: He's doing what he's  
2 doing.

3 THE WITNESS: So I was following up with  
4 Ciara about something she had brought up. And  
5 that's when she gave me the sticker.

6 BY MS. SMALLETS:

7 Q. Okay. Do you have -- do you have any  
8 independent recollection, as you sit here right now,  
9 about that conversation --

10 MR. LAFAYETTE: Objection.

11 BY MS. SMALLETS:

12 Q. -- in your memory?

13 MR. LAFAYETTE: Objection. The question  
14 is vague and ambiguous in the use of the phrase  
15 "independent." The question is argumentative as  
16 phrased and in tone, okay?

17 You can answer. Go ahead.

18 THE WITNESS: I believe -- well, Ciara  
19 gave me the sticker, asked who it possibly could  
20 have come from. She at that time didn't say anyone.  
21 I told her I would investigate and put a stop to it.

22 BY MS. SMALLETS:

23 Q. And what document are you looking at?

24 MR. LAFAYETTE: This -- here, this  
25 document has Bates-stamped numbers on it.

1 questions, which started out with that very phrase.

2 I'm confused, Sonya.

3 BY MS. SMALLETS:

4 Q. Was one of her concerns that she was being  
5 treated differently than her male colleagues?

6 MR. LAFAYETTE: Objection. Misstates the  
7 witness's testimony. Lacking in foundation.

8 THE WITNESS: No.

9 BY MS. SMALLETS:

10 Q. No, she didn't?

11 A. The way you said it I just want to  
12 clarify, I never heard it said because of a male  
13 colleague.

14 Q. Okay. Did she in any way use the phrase  
15 because of her -- did she in any way indicate --  
16 strike that.

17 Did she ever say she was being treated  
18 differently because she's a woman?

19 A. No.

20 Q. Did she ever say she was being treated  
21 differently than her coworkers?

22 A. Yes.

23 Q. Okay. Which coworkers did she say she was  
24 being treated differently than?

25 MR. LAFAYETTE: Objection. Assumes a fact

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1 not in evidence. Lacking in foundation.

2 You can answer if you can.

3 THE WITNESS: The three other new hires  
4 that were training with her.

5 BY MS. SMALLETS:

6 Q. Okay. And who were the other three new  
7 hires that were training with her?

8 A. Patrik Boyle, Mena -- I forgot Mena's  
9 last -- last name or that may be his last name. I  
10 believe Mena. Hold on. I -- I don't --

11 I remember Patrik. Who were the other  
12 two? I'm at a loss. I want to say Mena something.

13 MR. LAFAYETTE: You don't have to guess.

14 THE WITNESS: Okay, yeah. I forgot.

15 BY MS. SMALLETS:

16 Q. Okay.

17 A. Don't recall.

18 Q. All right. Take a look at your -- this  
19 first paragraph of your e-mail to Mike and  
20 Christine.

21 MR. LAFAYETTE: Where it starts, "I talked  
22 to Ciara today"?

23 MS. SMALLETS: Yeah, "I talked to Ciara  
24 today."

25 MR. LAFAYETTE: Okay. Do you want him to



1 MS. SMALLETS: I'll ask a different  
2 question.

3 Q. Did you do any investigations in -- with  
4 respect to the sticker?

5 A. I had the team leaders look into it.

6 Q. Okay. Did you instruct the -- what did  
7 you tell them to -- what did you tell them to do?

8 A. Talked to every operator on their team.  
9 Told them this is inappropriate material and would  
10 not be tolerated in the workplace.

11 Q. Okay. Did you ask them to try to find out  
12 who put it there -- who brought it into the  
13 workplace?

14 A. I don't recall, but I'm not saying that  
15 it -- I didn't do it. I just don't recall.

16 Q. Okay. Did you ever personally try to  
17 figure out who brought it to the workplace?

18 A. If I told the team leaders to look into  
19 it, then yes, I was personally trying to find out  
20 who would -- who brought that into the workplace,  
21 but I just don't recall if I had the team leaders  
22 look to see who brought it into the workplace.

23 Q. Okay. So you don't -- you don't recall  
24 telling them to do that?

25 MR. LAFAYETTE: Objection. Misstates the



1 THE WITNESS: I'd have -- I'd have to see  
2 the e-mail.

3 MS. SMALLETS: Okay.

4 (Whereupon, Exhibit 3 was marked for  
5 identification.)

6 THE WITNESS: Thank you.

7 BY MS. SMALLETS:

8 Q. The court reporter has given you a  
9 document that's marked as Exhibit 3. It's  
10 Bates-stamped DEF 948 to 949. This appears to be an  
11 e-mail that you sent on August 29th at 1:46 p.m.

12 Do you recall sending this e-mail?

13 A. I don't recall, but I'm sure I did.

14 Q. Okay. Let's look at the recipient list.

15 Is Ian Chamberlain a shift team leader?

16 A. Yes.

17 Q. And Cameron Curran was a shift team leader  
18 or a temporary shift team leader at that point in  
19 time?

20 A. I can't recall when he got promoted.

21 Q. But he's one or the other?

22 A. He's either a temporary shift team leader  
23 or a permanent shift team leader at this time.

24 Q. Okay. Let's see, on the recipients list  
25 is everyone but you either a shift team leader or a

1 temporary shift team leader?

2 A. Eddie King used to be a shift team leader,  
3 and then he went refinery team leader.

4 Q. Okay. Do you know which he was at the  
5 time that you sent this e-mail?

6 A. I believe he was a refinery team leader at  
7 that time but was --

8 Q. Okay.

9 A. -- still on the distribution list.

10 And then Mike Beck was the manager of  
11 OPCEN.

12 Q. Did -- in this e-mail, did you instruct --  
13 is there anything here that instructs the shift team  
14 leads to look into who brought the sticker into the  
15 workplace?

16 MR. LAFAYETTE: Objection. The document  
17 is its own best evidence of what the document  
18 states. His understanding otherwise is not relevant  
19 or likely to lead to the discovery of admissible  
20 evidence.

21 Go ahead.

22 THE WITNESS: So it doesn't say to conduct  
23 an investigation. The way I read this it says to  
24 put a stop to it.

25

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1 BY MS. SMALLETS:

2 Q. Okay. Did -- now, you say in here, you  
3 tell the shift team leads not to document it in the  
4 PD files, right?

5 A. Yes.

6 Q. Okay. You didn't think this was something  
7 worth documenting in the PD files?

8 MR. LAFAYETTE: Objection to the use of  
9 the phrase "this" is vague and ambiguous.

10 BY MS. SMALLETS:

11 Q. You didn't think the sticker was  
12 something -- in the workplace was something worth  
13 documenting in the PD files?

14 MR. LAFAYETTE: Incomplete hypothetical.  
15 Still vague and ambiguous. Lacking in foundation.

16 THE WITNESS: At the time, I didn't want  
17 to do a blanket documentation on folks that had  
18 nothing to do with bringing a sticker into this  
19 refinery.

20 BY MS. SMALLETS:

21 Q. Okay. Did you do anything to figure out  
22 who brought it to the refinery?

23 MR. LAFAYETTE: Objection. You previously  
24 asked and answered him -- answered that. He's told  
25 you what -- I'm not going to recite it, but he's



1 already told you what he did and how he did it and  
2 what he recalls. This is now argumentative and  
3 harassing.

4 Are you asking other than what he'd  
5 already said?

6 MS. SMALLETS: Yeah.

7 MR. LAFAYETTE: Have you done any -- she's  
8 asking if you -- without reciting all your old  
9 testimony, have you -- did you do anything else to  
10 try and figure out what was done, who did this?  
11 That's what she's asking.

12 THE WITNESS: Not that I recall.

13 BY MS. SMALLETS:

14 Q. Did you ask -- do you recall asking any  
15 team -- any employee whether they were the ones who  
16 brought the sticker to the refinery?

17 A. Not that I recall.

18 Q. Okay. Did you -- okay. Did you have any  
19 conversations with anyone about what this e-mail  
20 should say prior to sending it out?

21 A. Not that I recall.

22 Q. Did you -- were you ever informed that  
23 there was more than one copy of this sticker at the  
24 refinery?

25 A. That -- not that I recall, but -- hold on.

1 Let me think about that one.

2 I want to -- I believe I was told, and I  
3 don't recall by whom, that somebody had brought a  
4 stack of these stickers in.

5 Q. Okay. So someone -- you think someone  
6 told you that someone else had brought a stack of  
7 the stickers?

8 A. Or some, multiple. Maybe not -- a stack  
9 may be a bad word, so...

10 Q. Okay. Do you recall who told you that?

11 A. No, I don't recall.

12 Q. Okay. Do you recall -- did they tell you  
13 who the person who brought the stack of multiple  
14 stickers in was?

15 A. No.

16 Q. Did you ask?

17 MR. LAFAYETTE: Objection. It's been  
18 asked and answered and the way you asked that  
19 question was argumentative. And that's not  
20 necessary, okay?

21 THE WITNESS: I just don't recall.

22 BY MS. SMALLETS:

23 Q. Okay. If you had known who brought the  
24 stickers into the refinery, is that something that  
25 you think should have been documented in that



1 person's PD file?

2 MR. LAFAYETTE: Objection. It's an  
3 incomplete hypothetical. Assumes facts not in  
4 evidence.

5 You don't know enough. You can answer if  
6 you can.

7 THE WITNESS: Yes.

8 BY MS. SMALLETS:

9 Q. Okay. Were any of the -- do you know  
10 whether any stickers were on -- were placed on any  
11 employee's hard hats?

12 A. No.

13 Q. I'm sorry, that was a bad question.

14 You don't know, or you know that they --  
15 there weren't?

16 A. I don't -- I don't know.

17 Q. Okay. Did anyone ever tell you that they  
18 had been placed on someone's hard hat?

19 A. Not that I recall.

20 Q. Okay. If an employee had placed the  
21 sticker on his hard -- his or her hard hat, would  
22 you think that should be something that should be  
23 documented in that employee's PD file?

24 MR. LAFAYETTE: Objection. Incomplete  
25 hypothetical.

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1 THE WITNESS: Yes.

2 BY MS. SMALLETS:

3 Q. Do you know if anything was -- related to  
4 the sticker was documented in anyone's PD file?

5 A. Not that I recall.

6 Q. Did anyone ever tell you that  
7 Jonathan Boyle had a copy of the sticker on his hard  
8 hat?

9 MR. LAFAYETTE: Objection. Just asked and  
10 answered the question with regard to all people.  
11 It's argumentative.

12 THE WITNESS: Not that I recall.

13 BY MS. SMALLETS:

14 Q. Okay.

15 A. Could I -- could I clarify --

16 Q. Yeah.

17 A. So I don't know a Jonathan Boyle. Maybe  
18 I'm getting -- I thought it was Patrik Boyle. Maybe  
19 Jonathan -- I don't -- maybe I'm getting my names  
20 mixed up.

21 Q. Okay.

22 A. I thought Patrik's last name was Boyle.

23 Q. Okay. So Ciara's fellow trainee is  
24 Patrik Neuman.

25 A. Okay. Maybe I'm thinking of

1 just don't know if it was Cameron or Metcalf.

2 Q. Okay. And by "Metcalf," it's -- we're  
3 referring to Richard Metcalf?

4 A. Richard Metcalf.

5 Q. And "Cameron" is Cameron Curran?

6 A. Curran, yeah.

7 Q. Okay. And who was her supervisor prior to  
8 Cameron?

9 A. I want to say that's when she was on day  
10 shifts with Jeff Fischer.

11 Q. Okay. Did you have any conversations with  
12 Ciara's supervisor about this sticker?

13 MR. LAFAYETTE: Say that again. Say that  
14 again.

15 MS. SMALLETS: I asked if he had any  
16 conversations with Ciara's supervisor regarding the  
17 sticker.

18 Or actually, you know what? Let me do it  
19 differently since you don't remember her supervisor.

20 Q. Did you have any conversations with  
21 Cameron Curran regarding the sticker?

22 A. At this point in time or just ever?

23 Q. Ever.

24 A. I don't recall, but I'm not saying it  
25 didn't happen.

1 Q. Do you recall ever asking Cameron whether  
2 he brought the sticker into the workplace?

3 A. No.

4 Q. Okay. Would it have been -- would you  
5 have thought it would be important to know if  
6 Cameron was the one who brought the sticker into the  
7 workplace?

8 MR. LAFAYETTE: Incomplete hypothetical.  
9 Assumes facts not in evidence. Lacking in  
10 foundation.

11 THE WITNESS: Yeah, I would think it's  
12 important if a team leader would bring an  
13 inappropriate sticker into the refinery.

14 BY MS. SMALLETS:

15 Q. Okay. Did you have any conversations with  
16 Richard Metcalf regarding the sticker?

17 A. I believe I did.

18 Q. Okay. What can you recall discussing with  
19 Richard Metcalf regarding the sticker?

20 A. That's a long time ago, but I thought I  
21 told him be sure any stickers out there are -- that  
22 we talked to the -- I don't recall the exact  
23 conversation I had with him.

24 Q. Okay. And look, no one's expecting you to  
25 remember word for word.



1 with Mike Beck regarding the sticker while Ciara was  
2 employed?

3 A. I'm sure I did. I just don't recall.

4 Q. Okay.

5 (Whereupon, Exhibit 5 was marked for  
6 identification.)

7 BY MS. SMALLETS:

8 Q. The court reporter has given you a  
9 document that's been marked as Exhibit 5. It's  
10 Bates-stamped DEF 947. It appears to be an e-mail  
11 from Ciara to you sent on September 17th.

12 Do you recall receiving this e-mail?

13 A. I don't -- I don't recall receiving it.

14 Q. Did you respond to it?

15 A. I don't know if I responded via e-mail or  
16 in person. I don't -- I just don't recall.

17 Q. Okay.

18 (Whereupon, Exhibit 6 was marked for  
19 identification.)

20 BY MS. SMALLETS:

21 Q. The court reporter has given you a  
22 document that's been marked as Exhibit 6. It's  
23 Bates-stamped DEF 1866 and it is a copy of the  
24 previous e-mail and -- with -- as part of an e-mail  
25 that you sent.



1 Do you see that?

2 A. Yes.

3 Q. Okay. Does that -- it looks like you --  
4 it looks to me, from this document, you forwarded  
5 Ciara's e-mail to Christine and Mike on -- on the  
6 17th of September.

7 Do you see that?

8 A. Yes.

9 Q. Does that refresh your recollection that  
10 you received this e-mail?

11 A. I just don't recall receiving it, but I  
12 mean, I'm sure I did.

13 Q. Yeah. Did you have any -- do you recall  
14 having any conversations with Eric -- I'm sorry,  
15 with Mike Beck or Christine Layne regarding this  
16 e-mail from Ciara?

17 MR. LAFAYETTE: Same objection as before.

18 THE WITNESS: I just don't recall.

19 MS. SMALLETS: Okay.

20 (Whereupon, Exhibit 7 was marked for  
21 identification.)

22 BY MS. SMALLETS:

23 Q. Okay. The court reporter has given you a  
24 document that's been marked as Exhibit 7. It's  
25 Bates-stamped DEF 946. There's a series of e-mails

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1 during that meeting?

2 A. I don't recall if I did.

3 Q. Do you recall anyone taking notes during  
4 the meeting?

5 A. I believe Christine Layne did. I don't  
6 recall if the union guys did or not.

7 Q. Did anyone -- did Ciara step outside to  
8 speak to anyone during the course of that meeting?

9 A. I don't recall.

10 Q. How long did the meeting last?

11 A. I don't recall.

12 Q. Did you give Ciara the document that  
13 you're referring to during the meeting?

14 A. I don't recall.

15 Q. Do you recall anything that was discussed  
16 during the meeting?

17 A. That document was discussed and then she  
18 was going to let me know of other concerns she had.

19 Q. Did she say she had other concerns?

20 A. She did, but I don't recall what they  
21 were. I'd have -- one minute, please.

22 That she was being treated different and  
23 there was traps being set up.

24 Q. Did she say who she was being treated  
25 differently than?

1 A. In regards to the tardy, it was the other  
2 new hires.

3 Q. Okay. Is there another capacity which she  
4 said she was being treated differently?

5 MR. LAFAYETTE: I couldn't hear you.

6 BY MS. SMALLETS:

7 Q. Is there some other way in which she said  
8 she was being treated differently?

9 MR. LAFAYETTE: The question is vague and  
10 ambiguous.

11 THE WITNESS: Yeah, I don't recall.

12 BY MS. SMALLETS:

13 Q. Okay. And now, her concerns about being  
14 treated differently with respect to the tardies were  
15 discussed at that meeting, correct?

16 A. Yes.

17 Q. Okay. So if she's saying there were other  
18 new concerns that came up, does that refresh your  
19 recollection it had something to do with something  
20 other than the tardies?

21 MR. LAFAYETTE: Objection. The question  
22 is vague and ambiguous. Lacking in foundation.  
23 Assumes facts not in evidence. Requires  
24 speculation.

25 THE WITNESS: Can you repeat that?

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1 to -- as to which -- the new hires were assigned to  
2 which department?

3 MR. LAFAYETTE: You asked that this  
4 morning about the assignments and we've discussed  
5 that already. You really did.

6 THE WITNESS: So the training supervisor  
7 came out with the recommendations, brought it to the  
8 supervisors, plus Erin McDonald, the manager of  
9 utilities was there. And his recommendations is --  
10 I believe we just went with his recommendations on  
11 that particular class.

12 BY MS. SMALLETS:

13 Q. Okay. Is Erin -- how do you spell Erin?

14 A. E-R-I-N.

15 Q. Is that a man or a woman?

16 A. Woman.

17 Q. And Ciara was terminated from her position  
18 at Shell, correct?

19 A. Yes.

20 Q. Okay. Do you know who made the decision  
21 to terminate her?

22 A. Who makes the final decision in the  
23 refinery, I don't know.

24 Q. Okay. Did you participate in discussions  
25 regarding the decision to terminate her?



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1 A. Yes.

2 Q. Okay. And who did you have those  
3 discussions with?

4 A. Christine Layne, Mike Beck, and then for  
5 alignment would --

6 (Reporter clarification.)

7 THE WITNESS: For alignment would be the  
8 other supervisors.

9 BY MS. SMALLETS:

10 Q. And who would the other supervisors be?

11 A. Dominic LaVora. They were transitioning  
12 at that time, so I just want to -- I believe it  
13 was Dominic LaVora. Might have been Guy Rozar who  
14 was transitioning into that role.

15 Q. What role?

16 A. Production supervisor.

17 Q. Okay. Was he responsible for a particular  
18 area?

19 A. Yes.

20 Q. What area?

21 A. He had utilities and logistics.

22 Q. Is he currently still working for the --  
23 for Shell?

24 A. Yes.

25 Q. Okay. Is he still production supervisor?



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1 A. No.

2 Q. What's he currently?

3 A. Production specialist.

4 Q. Okay. Do you recall who first suggested  
5 that Ciara be terminated?

6 A. No.

7 Q. Was it you?

8 A. I don't recall. It -- I don't recall.

9 Q. Okay. Do you recall the first  
10 conversation in which that topic was discussed?

11 A. No.

12 Q. Do you recall the first time you had a  
13 conversation with anybody in which the possibility  
14 about terminating Ciara was discussed?

15 A. I don't recall.

16 Q. Okay. How many conversations can you  
17 recall having with Christine and Mike regarding  
18 terminating Ciara?

19 A. I don't recall.

20 Q. Was it more than one?

21 A. Yes.

22 Q. Okay. Did you offer an opinion as to  
23 whether Ciara should be terminated?

24 A. Yes.

25 Q. What was your opinion?

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1 A. Yes.

2 Q. That she should be terminated?

3 A. Yes.

4 Q. Did -- did you rely upon information that  
5 you received from Jeff Fischer in coming to the  
6 conclusion that Ciara should be terminated?

7 MR. LAFAYETTE: The question is overbroad.  
8 Vague and ambiguous.

9 THE WITNESS: Are you talking about the  
10 tardies? What I got from Jeff was the tardies.

11 BY MS. SMALLETS:

12 Q. Yeah. Or anything else Jeff told you.

13 A. I don't believe so.

14 Q. Okay. Did you --

15 A. But I don't recall.

16 Q. Okay. Did you rely on any information you  
17 received from Cameron Curran in making the decision  
18 that Ciara should be terminated -- or sorry, in --  
19 in coming to the conclusion -- your -- your opinion  
20 that Ciara should be terminated?

21 A. Yes.

22 Q. Okay. Did you rely on information  
23 provided by anybody else?

24 A. I don't recall specifically if there was  
25 anybody else.

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1 consistent through the refinery.

2 Q. Okay. And what do you do to -- to engage  
3 in that kind of alignment?

4 A. Well, if it's performance issues, what  
5 kind of performance issues are they seeing? Is it  
6 at this level and am I seeing performance levels --  
7 performance issues at this level? Are we aligned  
8 on -- that we don't -- are we aligned on what would  
9 trigger formal discipline up to and including  
10 termination?

11 Q. Did Ciara receive any formal discipline?

12 MR. LAFAYETTE: I couldn't hear you.

13 BY MS. SMALLETS:

14 Q. Did Ciara ever receive any formal  
15 discipline during her time at the refinery?

16 A. No.

17 Q. Okay. Do you know whether any of the new  
18 hires in her class received formal discipline?

19 A. No.

20 Q. No, you don't -- I'm sorry, no, you don't  
21 know or no, they did not?

22 A. I don't know.

23 Q. Okay. Did you participate in alignment  
24 discussions with respect to each new hire or anybody  
25 who was being terminated from that new hire class?

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1 document marked as Exhibit 18. It's Bates-stamped  
2 DEF 987 through 989.

3 Have you seen this document before?

4 A. It looks like Richard Metcalf sent it to  
5 me.

6 Q. Okay.

7 A. But I just don't remember -- recall, but  
8 I'm sure I got it.

9 Q. Okay. And so this is -- and you -- you  
10 sent an e-mail response to Richard Metcalf, correct?

11 A. Yes.

12 Q. Okay. And is your response here -- the  
13 e-mail on September 21st at 6:59 a.m., is that an  
14 e-mail that you sent?

15 A. Yes.

16 Q. Okay. And you say, "Richard, before you  
17 issue let's align on Ciara 240 review. I pasted  
18 your response below on our rating. I'm not asking  
19 you to change anything, but me and you need to be  
20 aligned on her performance and behavior since she's  
21 been employed. Not just with Ciara, but this  
22 applies to all new hires coming out of this last  
23 class. I will set up a meeting notice with you --  
24 me, you, and Mike to discuss after the Monday  
25 morning meeting."



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1 Do you recall sending an e-mail?

2 A. I don't recall, but I'm sure I did.

3 Q. Okay. What's a meeting notice? A meeting  
4 notice, what's that? You talk about a meeting  
5 notice.

6 A. Just set up a meeting.

7 Q. Okay. Is there a particular -- is that  
8 done electronically or done --

9 A. Normally it's done through a calendar in  
10 Outlook.

11 Q. Okay. Did you check -- have you looked  
12 through your Outlook calendar to see if you have any  
13 meetings that relate to Ciara?

14 A. I don't recall. With it being just me,  
15 Mike, and Richard, we may have just sat after the  
16 7:00 o'clock meeting that the department goes every  
17 day. So it may have not been in the meeting notice  
18 since it's just us three.

19 Q. Okay. Do you recall whether that meeting  
20 you referred to in this e-mail took place?

21 A. I don't recall, but I'm assuming it did.

22 Q. Okay.

23 A. It's --

24 Q. Do you recall anything that you discussed  
25 with Richard or Mike regarding this 240-day review

1 A. Yeah, he's -- he's been there for years.

2 (Whereupon, Exhibit 20 was marked for  
3 identification.)

4 MR. LAFAYETTE: Can you give me a moment,  
5 please?

6 BY MS. SMALLETS:

7 Q. The court reporter has given you a  
8 document that's been marked as Exhibit 20. It's  
9 Bates-stamped DEF 115 through 119.

10 Is this a document that you prepared?

11 A. Yes.

12 Q. Okay. And it's an e-mail you sent to  
13 Christine on July 28th, 2016, correct?

14 A. Yes.

15 Q. Okay. And you say here, "Then we will  
16 finish up with her allegation of being treated  
17 different and unfair/singled out."

18 MR. LAFAYETTE: Say that again.

19 BY MS. SMALLETS:

20 Q. Then -- you said --

21 MR. LAFAYETTE: I couldn't -- I'm sorry, I  
22 just missed what you said. I'm sorry.

23 MS. SMALLETS: It says -- you say here,  
24 "Then we will finish up with her allegation of being  
25 treated different and unfair/singled out."

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1 Q. Do you see where you wrote that?

2 A. Yes.

3 Q. Do you recall, did she tell you that in  
4 the conversation?

5 MR. LAFAYETTE: Objection. It's been  
6 asked and answered over and over again.

7 THE WITNESS: I don't recall if she told  
8 me or if I'd heard it from a team leader or if she  
9 was talking about the tardies.

10 BY MS. SMALLETS:

11 Q. Okay. Turning your attention to the rest  
12 of the pages of these documents, was this something  
13 that you prepared in anticipation of a discussion  
14 with Ciara or after a discussion with Ciara?

15 A. This was prepared for the discussion with  
16 Ciara.

17 Q. Okay. I'm turning your attention to the  
18 last page of this document. It says, "Documented  
19 statement from Ciara."

20 A. Okay.

21 Q. That portion of it on Bates-stamped  
22 DEF 119.

23 Are these those things that Ciara told  
24 you?

25 MR. LAFAYETTE: The question, Counsel, I'm

1 unclear what concerns she was bringing. On that  
2 August 2nd meeting was when I wrote -- this just  
3 came to me July -- this just -- just came to me at  
4 the end of July. By the August 2nd is when I wanted  
5 to start discussing with her.

6 MR. LAFAYETTE: So your question assumes a  
7 fact not in evidence. You're -- you're -- just --  
8 Sonya, so that you'll know, your questions assume  
9 that he knows what the incidences are. So that's  
10 why your questions are incomplete.

11 BY MS. SMALLETS:

12 Q. Did you -- were you able to get gate logs  
13 for January of 2016?

14 A. 2000?

15 Q. So her first month of employment.

16 A. I want to say they were training at the  
17 clubhouse where there's no gate reader.

18 Q. Okay. Did you get gate logs for February?

19 A. The -- I want to say they were still at  
20 the clubhouse. I'm not sure when they actually came  
21 into OPCEN, where they're actually going to have to  
22 start going and putting their badge up to the  
23 reader.

24 Q. Were you able to get gate logs from the  
25 first day they -- they started at OPCEN?



1 A. Unless there was some kind of technical  
2 issues, I'm not sure when -- when I ran them, but I  
3 should have been able to get it if HR requested it  
4 for me.

5 Q. Okay. Do you recall that you were able to  
6 get the -- the -- it for all the dates that they  
7 were in -- training in OPCEN?

8 MR. LAFAYETTE: Objection.

9 THE WITNESS: The gate --

10 MR. LAFAYETTE: Incomplete question. It's  
11 vague and ambiguous.

12 Go ahead.

13 THE WITNESS: The gate logs that I ran, I  
14 forgot the dates. They are somewhere I read what  
15 months I got, what actual specific dates I asked  
16 for.

17 BY MS. SMALLETS:

18 Q. And do you recall, as you sit here, when  
19 you got the entire set of relevant dates?

20 MR. LAFAYETTE: I couldn't hear you.

21 BY MS. SMALLETS:

22 Q. Do -- as you sit here today, do you recall  
23 whether you got all of the relevant dates?

24 MR. LAFAYETTE: Objection. The use of the  
25 term "relevant" calls for a legal conclusion. It's

1 vague and ambiguous.

2 BY MS. SMALLETS:

3 Q. As you sit here today, do you recall that  
4 you were able to obtain gate logs for all of the  
5 days in which Ciara and her three fellow trainees  
6 were training under Jeff Fischer in OPCEN?

7 A. I'm not sure when -- the first day I  
8 requested. I don't know what day I requested for  
9 that first day.

10 Q. Okay.

11 A. Until -- I don't know the time -- exact  
12 time period I requested. I don't recall the time  
13 period that I requested.

14 Q. Okay. Do you know -- do you know the date  
15 on which they started training with Jeff Fischer?

16 A. I don't know the exact date she came out.

17 Q. Okay.

18 (Whereupon, Exhibit 21 was marked for  
19 identification.)

20 BY MS. SMALLETS:

21 Q. The court reporter has given you a  
22 document that's been marked as Exhibit 21. It's  
23 Bates-stamped DEF 112 to 113.

24 MR. LAFAYETTE: No, 111.

25 MS. SMALLETS: I'm sorry, 111 to 113.

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1 MR. LAFAYETTE: I'm sorry?

2 BY MS. SMALLETS:

3 Q. What did you do to get the gate logs?

4 A. I put a request in to Christine Layne and  
5 then she contacts security.

6 Q. Okay. And you say here, "From 1/1" --  
7 sorry, "From 3/1 to 3/3 it looks to me there was no  
8 clear direction. I did not count those three days."

9 Do you see where you said that, bullet  
10 point two?

11 A. Yes.

12 Q. What basis did you conclude there was no  
13 clear direction from March 1st, 2nd, and 3rd?

14 A. If you look at the other new hire starts,  
15 they were all over the place. So before I started  
16 counting tardies, I wanted to be sure there was  
17 clear direction and expectation on start times.

18 Q. Okay. Did you do -- did you do anything  
19 other than look at this document to conclude that  
20 there was no clear direction?

21 A. Yes.

22 Q. What did you do?

23 A. I asked Jeff Fischer to give clear  
24 direction.

25 Q. Okay. And did he tell you when he gave



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1 such directions?

2 A. Yes.

3 Q. What did he tell you about when?

4 A. I'd have to read his response on the exact  
5 date.

6 Q. Okay. Did you talk to any of the other  
7 trainees to see if they felt they had been given  
8 clear direction about what the start time was?

9 MR. LAFAYETTE: As of -- the question is  
10 overbroad. As of a particular day you mean?

11 BY MS. SMALLETS:

12 Q. As of July 26th when you wrote this  
13 e-mail.

14 MR. LAFAYETTE: No, it's clear -- that's  
15 not my question as to where the ambiguity is. The  
16 ambiguity is did he ask them when it was they  
17 thought they got their direction. That's -- I'm  
18 just saying your question is ambiguous, Sonya, okay?

19 BY MS. SMALLETS:

20 Q. What I'm saying is as of July 26th, had  
21 you spoken to any of Ciara's fellow trainees, the  
22 other three of them, to ask them if they -- what  
23 they thought the start time was?

24 A. I don't recall.

25 Q. Okay. Do you recall having any



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1 conversations at any point prior to Ciara's  
2 termination with her fellow trainees regarding the  
3 issue of start time?

4 By "fellow trainees," I'm referring to  
5 those three people that were in the class under  
6 Jeff Fischer.

7 A. I don't recall. I personally didn't, so I  
8 don't -- I don't recall.

9 Q. Do you know if anyone else did?

10 A. I don't recall.

11 Q. And in your -- in your review determined  
12 that, in fact, there were male employees who came --  
13 there was a male employee who came through the gate  
14 after 6:15, correct?

15 MR. LAFAYETTE: Say it again.

16 BY MS. SMALLETS:

17 Q. There was a male employee who came through  
18 the gate after 6:15, right?

19 MR. LAFAYETTE: Where are you reading?

20 THE WITNESS: 3/24.

21 MR. LAFAYETTE: I don't see where it says  
22 the gender on this document, do you?

23 MS. SMALLETS: It does not.

24 MR. LAFAYETTE: Okay. So why are you  
25 saying that, then? There's nothing on here that

1 didn't count anything at -- past 6:15 that was on  
2 their day off because if they wanted to come in to  
3 train, there wasn't a start time.

4 They were just coming in. I allowed them  
5 just to come in for a few hours if they wanted to,  
6 but it was just their scheduled days that I wanted  
7 to count. That -- that bullet number four.

8 BY MS. SMALLETS:

9 Q. What did you determine -- look at to  
10 determine which Friday was a Friday off?

11 A. There's a -- a A and a B schedule so I  
12 know their Fridays off.

13 Q. Okay. Is that in writing somewhere?

14 A. Yeah, on the -- on the -- it's on the --  
15 yes.

16 Q. And Ciara was written as tardy on 4/7,  
17 correct? It's got a -- there's a P --

18 A. Yes.

19 Q. Yep, and that's -- the timecard was docked  
20 on 4/7, right?

21 A. Yes.

22 Q. And, in fact --

23 A. That's -- oh.

24 Q. -- she wasn't tardy on April 7th, right?

25 A. Yeah, that was, like, my seventh bullet

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1 down where I believe there was a typo. It was 4/8  
2 that she was tardy.

3 Q. How do you know she was tardy on 4/8?

4 A. Because of the gate log.

5 Q. Was 4/8 a Friday -- 4/8 was a Friday,  
6 right?

7 A. Let me see. Oh, 4/8.

8 MR. LAFAYETTE: You want me to tell you if  
9 4/8 was a Friday looking at my calendar?

10 MS. SMALLETS: Yeah, I'm pretty sure it  
11 was.

12 MR. LAFAYETTE: It's a Friday.

13 MS. SMALLETS: Yeah. 4/8's a Friday,  
14 right?

15 THE WITNESS: Yeah, if it was her  
16 Friday -- if it was her Friday off, I wouldn't have  
17 counted it.

18 BY MS. SMALLETS:

19 Q. Okay, but --

20 A. If it was her Friday scheduled then I  
21 would.

22 Q. Okay, but you've got -- of the four  
23 employees, two of them weren't at work at all on the  
24 8th, right?

25 A. So the first one --

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1 A. Yes.

2 Q. Okay. And what I'm saying is if we look  
3 at the 8th, neither employee number one nor employee  
4 number three have either a start or end time on that  
5 date.

6 A. Yes.

7 Q. Is that correct?

8 A. Yes.

9 Q. Okay. Did you do anything -- looking at  
10 that, did you do anything to determine whether they  
11 were supposed to be in training that day?

12 A. So there's -- there's a couple different  
13 reasons they may not have been at work that day. We  
14 were flexible with their schedule. They could have  
15 been on vacation.

16 I don't know why. That's why -- I'm  
17 assuming that's why I put the question marks for  
18 employee, the first one.

19 Q. Okay.

20 A. On the -- on the fourth employee, I don't  
21 know. I -- there -- there -- there could be a  
22 couple different explanations why they didn't -- I  
23 didn't see a gate log. He may have called in sick.  
24 I don't know.

25 Q. Okay.



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1 A. I just don't know.

2 Q. Okay. So -- so Ciara's was written tardy  
3 for the 7th, right?

4 A. Yeah, per the PD file, I thought that's  
5 what I saw, yeah.

6 Q. Okay. And from looking at the gate logs,  
7 it doesn't look like that's correct, right?  
8 She's -- she goes to the gate at 6:01?

9 A. Okay, yes.

10 Q. Right?

11 So and she's saying she wasn't tardy on  
12 the 7th, right?

13 A. Yes.

14 Q. Okay. And you -- you -- who came to the  
15 determination that that was a -- that it was a typo  
16 and she was really tardy on the 8th?

17 A. That was me looking at the gate logs.

18 Q. Okay. Did you ask her if she was tardy on  
19 the 8th?

20 A. Yes.

21 Q. What did she say?

22 A. I went over that whole -- this whole  
23 document with her. I don't remember her response.

24 Q. Okay. Did you ask anybody what they were  
25 doing in class on the 8th?

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1 MR. LAFAYETTE: The question is vague and  
2 ambiguous. It's uncertain with regard to time. It  
3 is lacking in foundation.

4 MS. SMALLETS: Okay.

5 Q. Let me ask a slightly different question.

6 During March of 2016, you were aware that  
7 Ciara's father had died?

8 MR. LAFAYETTE: Objection --

9 THE WITNESS: That is correct.

10 MR. LAFAYETTE: Go ahead.

11 THE WITNESS: Sorry.

12 MR. LAFAYETTE: That's fine.

13 BY MS. SMALLETS:

14 Q. Okay. Did you have any conversation with  
15 her about -- didn't -- didn't Ciara tell you that  
16 the reason she was tardy on March 23rd was because  
17 her mom was breaking down following her dad's death?

18 A. No, I don't recall that, no.

19 Q. Okay.

20 (Whereupon, Exhibit 22 was marked for  
21 identification.)

22 MR. LAFAYETTE: Just a second, Sonya, let  
23 me catch up. Let him read it, too, okay?

24 BY MS. SMALLETS:

25 Q. The court reporter has given me a -- given

1 you a document that's been marked as Exhibit 22.

2 It's Bates-stamped DEF 2093.

3 Can you tell me what this is?

4 MR. LAFAYETTE: Well, let's -- let him  
5 have enough time to read it first, okay?

6 BY MS. SMALLETS:

7 Q. Whenever you're ready, tell me what it is.

8 A. It looks like an instant message between  
9 me and Cameron.

10 Q. Did -- was there an instant messaging app  
11 that you used at Shell?

12 A. Yes.

13 Q. Okay. Let me make sure I've asked that  
14 question properly.

15 Is this a -- is this a work-related  
16 instant messaging app? Not instant messaging, your  
17 cell phone.

18 A. No. Yes, work computer.

19 Q. Okay. Do you know what app it is?

20 A. No, no.

21 Q. Okay. Did -- do you know whether your  
22 instant messaging app is set to retain the messages?

23 A. No.

24 Q. Okay.

25 A. I don't know that.

1 any concerns that she had regarding the sign-off on  
2 her parallel training checklist?

3 A. I don't recall if she brought it to me.

4 Q. Okay. Did anyone tell you that Ciara had  
5 concerns about the sign-off on her parallel training  
6 checklist?

7 A. Yes, I heard about it from someone, not  
8 sure if it was a shift team leader or not sure if it  
9 was Jeff, not sure if it was Ciara. I just don't  
10 recall how I heard it.

11 Q. What did you hear?

12 MR. LAFAYETTE: Can we take a quick break?  
13 I'm sorry. I'm sorry.

14 MS. SMALLETS: No, no, it's fine. Sure,  
15 we can --

16 MR. LAFAYETTE: I have a filing.

17 THE VIDEOGRAPHER: Off the record at 5:01.

18 (Whereupon, a brief recess was taken.)

19 THE VIDEOGRAPHER: Back on the record at  
20 5:15.

21 BY MS. SMALLETS:

22 Q. Okay. I'm going to -- I'm going to ask  
23 you some questions about Exhibit 8, which it should  
24 be over there.

25 MR. LAFAYETTE: Exhibit what?



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March 08, 2018

REPORTER'S CERTIFICATE

I, ELAINA BULDA-JONES, CSR NO. 11720,  
Certified Shorthand Reporter, certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth,  
at which time the witness was put under oath by me;

That the testimony of the witness, the  
questions propounded, and all objections and  
statements made at the time of the examination were  
recorded stenographically by me and were thereafter  
transcribed;

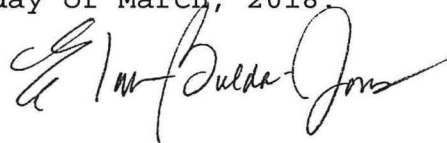
That a review of the transcript by the  
deponent was requested;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor  
financially interested in the action.

I declare under penalty of perjury under the  
laws of the State of California that the foregoing  
is true and correct.

Dated this 21st day of March, 2018.



ELAINA BULDA-JONES, CSR 11270

Eric Perez Volume II

June 07, 2018

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

CIARA NEWTON,

Plaintiff,

vs.

CASE NO.

4:17-cv-03961-YGR

EQUILON ENTERPRISES, LLC dba  
SHELL OIL PRODUCTS US,

Defendant.

\_\_\_\_\_/

DEPOSITION OF

ERIC PEREZ

Volume II

Pages 261 - 370

CONFIDENTIAL PORTIONS EXCERPTED

Thursday, June 7, 2018

1:00 p.m.

44 Montgomery Street, Suite 550

San Francisco, CA 94104

REPORTED BY:

NOEL CARTER DEGNAN

CSR No. 6921

1 MR. LAFAYETTE: I'm sorry. Could I have the  
2 question back?

3 (Record read.)

4 MR. LAFAYETTE: Objection. Lacking in  
5 foundation. Assumes facts not in evidence.

6 MS. SMALLETS: Q. You could answer.

7 A. I guess I'm not understanding the question on  
8 how I would check if this is accurate or not. Yeah.

9 Q. Let me ask a slightly different question.

10 When you prepared Exhibit 29, did you assume  
11 that the information in Exhibit 28 was accurate?

12 A. Yes.

13 MS. SMALLETS: Let's go ahead and mark this as  
14 Exhibit 30.

15 (Exhibit 30 was marked.)

16 MS. SMALLETS: Q. The court reporter has given  
17 you a document marked as Exhibit 30. It's bates stamped  
18 DEF 3166. Have you seen this document before?

19 A. It came from me, but I just don't recall  
20 writing it. Yes.

21 MS. SMALLETS: Counsel, I'd appreciate it if  
22 you'd not laugh at the witness's response. This is  
23 something you've done repeatedly over the course of  
24 these depositions and I think it's rude.

25 MR. LAFAYETTE: Counsel, please stop. I'm

1 going to take a break in a second. I am tired of these  
2 personal accusations. The only person who's doing  
3 something wrong in this room is you, repeatedly asking  
4 witnesses the same questions over and over again.

5 You are taking advantage of seven hours as much  
6 as you can on every deposition regardless of how much  
7 information these people have, staring witnesses down in  
8 a deposition. Counsel, I'm not laughing. Okay? If  
9 that had been the case, then the video depositions that  
10 you've taken would have shown it and they do not.

11 You wait until you come in here when there's no  
12 video and you make an accusation like that. I am tired  
13 of the accusations you keep leveling at me. Please  
14 stop. Conduct yourself in a reasonable manner and just  
15 take the deposition, but I don't need you constantly  
16 attacking me.

17 MS. SMALLETS: Are you finished?

18 MR. LAFAYETTE: Let's take a deposition.

19 MS. SMALLETS: The video depositions do show  
20 you laughing at the responses, and again I'm asking that  
21 you do the professional courtesy of not doing that.

22 MR. LAFAYETTE: Just take the deposition,  
23 please.

24 MS. SMALLETS: Q. This e-mail is entitled "SOU  
25 sign up." What does SOU stand for?



1 A. Shell Open University.

2 Q. Third paragraph down it says "Congratulations  
3 to the four operators from our recent new hire class who  
4 completed their initial training." Do you see that? Do  
5 you know what training is being referred to?

6 MR. LAFAYETTE: Objection. The document speaks  
7 for itself. Its own best evidence.

8 MS. SMALLETS: Q. I'm not sure if you're at  
9 the same place.

10 A. You're right here? I see it.

11 Q. Yeah.

12 A. It was part of the emergency response training.

13 Q. The next paragraph down refers to BCF training.  
14 What does BCF stand for?

15 A. Basic Fire Crew.

16 Q. And that says "Driver/Operator Training."  
17 What's that?

18 A. Drivers to drive the truck. Operators to pump  
19 water.

20 Q. And is that to drive the fire truck?

21 A. Yes.

22 Q. And so this is referring to some training that  
23 Ciara and three other new hires had recently completed  
24 as of April 13th?

25 MR. LAFAYETTE: Objection. The document is its

1 own best evidence and this has been previously asked and  
2 answered.

3 THE WITNESS: They completed their initial  
4 emergency response training.

5 MS. SMALLETS: Q. And is that the same as BCF  
6 training and driver/operator training or something  
7 different?

8 A. It's part of it.

9 Q. I'm sorry. Which is part of which?

10 A. To be an emergency responder you gotta do a  
11 live firefight, you gotta train on the engine, gotta  
12 know how to pump water depending on which unit you're  
13 in, you gotta go off site to fire school. There might  
14 be -- yeah. It's not just one particular thing they  
15 have to do. It's part of it.

16 Q. Are there any documents that you can look at to  
17 determine on which day Ciara did Basic Fire Crew  
18 training?

19 MR. LAFAYETTE: Objection. Requires  
20 speculation on the part of this witness.

21 MS. SMALLETS: Q. You can answer.

22 A. What part of the training are you referring to?

23 Q. Any of it.

24 MR. LAFAYETTE: Objection. Now it's compound,  
25 vague and ambiguous.

1 MS. SMALLETS: Q. I'm just trying to figure  
2 out when she completed that training, and I'm assuming  
3 you don't know as you sit here today. I'm just asking  
4 is there something we could look at to figure that out?

5 A. Not that I recall. I mean, the training is,  
6 like I said, there's multiple things they need to do  
7 before they're qualified as an emergency responder.

8 Q. It says that the BCF training is on Friday.

9 MR. LAFAYETTE: Where are you looking at?

10 MS. SMALLETS: Q. The last paragraph. It says  
11 "BCF training is on Friday." Are the BCF training  
12 typically conducted on Fridays?

13 A. What year is this?

14 Q. 2016.

15 A. We changed it up to twice a week. Not sure if  
16 we done it before this or after this, but Friday is one  
17 of the days that they're offered.

18 Q. And what days were the driver/operator training  
19 offered?

20 A. I believe that's Saturday and also they could  
21 sometimes accommodate to do it while they're on shift,  
22 which could be anytime here at work.

23 Q. Got it. Let's go ahead and look at the  
24 document that was previously marked as Exhibit 16.

25 MR. LAFAYETTE: Say it again.



1 MS. SMALLETS: Q. Did you ever talk to Ciara  
2 about this coaching?

3 A. I don't recall.

4 Q. This is a coaching, not a counseling; correct?

5 MR. LAFAYETTE: Objection. The document is its  
6 own best evidence.

7 THE WITNESS: Yes.

8 MS. SMALLETS: Q. Do you have any  
9 understanding as to why it was a coaching?

10 MR. LAFAYETTE: Objection. May require this  
11 witness to speculate. Hearsay. It's cumulative to the  
12 testimony that you received from Cameron Curran earlier  
13 in the week.

14 THE WITNESS: We coach for performance  
15 enhancement.

16 MS. SMALLETS: Q. What do you counsel for?

17 MR. LAFAYETTE: Objection. He just answered.  
18 He said we coach for performance enhancement.

19 MS. SMALLETS: I asked what he counseled for.  
20 Those are different things.

21 MR. LAFAYETTE: Then your question is vague and  
22 ambiguous. I don't know what you're asking him. Are  
23 you asking --

24 MS. SMALLETS: Do not make a speaking  
25 objection. You're coaching the witness. If you want to



1 yell at me and I would request that you not pound your  
2 fist on the table.

3 MR. LAFAYETTE: And I request that you not yell  
4 at me.

5 MS. SMALLETS: I have not yelled at you.

6 MR. LAFAYETTE: Ma'am, you do not understand.  
7 I wish the video were going. You have raised your  
8 voice.

9 MS. SMALLETS: I have not.

10 MR. LAFAYETTE: Will you stop talking over me?  
11 Will you stop that? I guess you don't think you're  
12 doing that either, do you? Listen to me. There is  
13 something that you do that's wrong. I'm making code  
14 objections, but I don't want you throwing hands up at  
15 me. I don't want you giving me faces with your mouth  
16 all open in the air. I don't want that. I don't want  
17 you making personal attacks on me. And if you think  
18 you're not doing it, then you don't understand what  
19 you're doing. That's all I'm gonna tell you. I don't  
20 have this with anybody else in depositions. No, I  
21 don't. So let's move on.

22 MS. SMALLETS: Q. My question for you is what  
23 do you counsel for?

24 MR. LAFAYETTE: Objection. It's vague and  
25 ambiguous and was otherwise asked and answered.

1 THE WITNESS: Counseling is still informal.  
2 Normally it's a little bit more serious, a little more  
3 serious than coaching, but it's still to improve  
4 performance, behavior or conduct or attendance.

5 MS. SMALLETS: Q. So I'm still looking at the  
6 PD log and we're on page DEF 195. The next entry refers  
7 to an oil mist reclassifier.

8 MR. LAFAYETTE: Objection. This has all been  
9 previously asked and answered.

10 MS. SMALLETS: Q. Do you see that entry?

11 A. Yes.

12 Q. Did you discuss that entry with Cameron Curran  
13 at any point in time?

14 A. I don't recall, but I'm not saying I didn't. I  
15 just don't recall it.

16 Q. Did you discuss that entry with Ciara at any  
17 point in time?

18 MR. LAFAYETTE: Objection. It's previously  
19 asked and answered.

20 THE WITNESS: I don't recall.

21 MS. SMALLETS: Q. Do you recall anything about  
22 that incident at all? Again, I understand you can read  
23 the document. I'm asking if you can recall anything.

24 MR. LAFAYETTE: Objection. Your question is  
25 vague and ambiguous. It's overbroad.

1 MS. SMALLETS: Q. And my question is, I  
2 understand that that's sort of what's going on from  
3 Shell's perspective at this point in time. My question  
4 is, as of say the date of Ciara's termination, did you  
5 believe that she paid all those hours back?

6 A. I don't believe so.

7 Q. Let's take a look at the next page. There's a  
8 reference to -- I'm sorry. Did you ever talk -- the FX  
9 flare sample, there's a reference to an FXG flare  
10 sample.

11 MR. LAFAYETTE: Which page are you on?

12 MS. SMALLETS: The next page.

13 MR. LAFAYETTE: 197?

14 MS. SMALLETS: Correct.

15 THE WITNESS: Yes.

16 MS. SMALLETS: Q. Do you have a memory of  
17 anything related to this entry?

18 MR. LAFAYETTE: Objection. The question is  
19 vague and ambiguous, memory.

20 THE WITNESS: Say that again.

21 MS. SMALLETS: Q. Sure. I'm asking if you  
22 have any memory of anything relating to this PD entry.

23 MR. LAFAYETTE: Objection. The question is  
24 vague and ambiguous, memory.

25 THE WITNESS: I want to -- yes. I'd like to



1 say something about the prior ones though because I did  
2 sit down with Ciara, with me and Christine and went over  
3 some of the stuff that was on the PD file, but I'm not  
4 specifically sure if it was one of the ones that you had  
5 asked me about earlier. I think I misunderstood one of  
6 your prior questions. I'd just like to clarify.

7 MS. SMALLETS: Q. Okay. Which question?

8 A. You asked if I remembered talking to Ciara  
9 about it. The way I assumed the question was were me  
10 and Ciara talking about these incidents. I did prepare  
11 a report of some of the stuff that we saw on Ciara that  
12 we sat down with me, Christine Layne, the union steward  
13 and Ciara, and some of that was included, but I'm not  
14 sure what specific items on her PD file that we  
15 addressed during that conversation.

16 MR. LAFAYETTE: We've been going for about an  
17 hour, over an hour. Can we take a break?

18 MS. SMALLETS: Give me a couple minutes to  
19 clarify a few things.

20 Q. You said prepared a summary of the report of  
21 things or something, but you used the words we saw. Who  
22 is we?

23 MR. LAFAYETTE: I don't know what you're asking  
24 him now. Can I have the answer back so we can share the  
25 context of what she's referring to in we saw?



1 (Record read.)

2 MR. LAFAYETTE: So your question is vague and  
3 ambiguous. Can you clarify, please?

4 MS. SMALLETS: Q. You said something about the  
5 things we saw. I'm asking who saw the things.

6 MR. LAFAYETTE: Objection. You  
7 mischaracterized the witness's testimony and you took  
8 what he said completely out of context.

9 THE WITNESS: Going off the PD log, Jeff Andre  
10 saw stuff, Jeff Fischer saw stuff, going off what the  
11 document here. Me and Ciara -- I wasn't -- I didn't see  
12 her a lot at all. They're on a rotating shift and I'm  
13 on straight days.

14 MR. LAFAYETTE: Can we take a break now?

15 MS. SMALLETS: Let me finish clarifying his  
16 last answer and then we can take a break.

17 Q. I want to make sure I understood your  
18 correction. So you're saying that when you were telling  
19 me previously that you didn't talk about the entries  
20 with Ciara, you were referring to you and Ciara didn't  
21 have any one-on-one conversations; is that right?

22 A. No. That's not what -- I wanted to -- I  
23 misunderstood your question -- I'm assuming I  
24 misunderstood one of your prior questions where you  
25 asked if me and Ciara would talk about this and I told

1 supposed to be aligning on the 10 new hires?

2 A. Like what their second job would be. There's  
3 10. So if some of them might have had a second job,  
4 what would their third job be.

5 Q. Were you discussing the new hires' job  
6 performance in that meeting?

7 A. I don't recall that, no.

8 Q. You were discussing training on their second  
9 and third job?

10 A. Yeah. Yeah. I want to say they were already  
11 placed on teams by this time. They were already on  
12 their teams. It was like looking down the future how  
13 can we make this department more flexible.

14 Q. Do you recall what was discussed about what  
15 Ciara's second or third job should be?

16 A. No, I don't recall.

17 Q. Do you recall if you did discuss what her  
18 second job should be?

19 A. I just -- I don't recall. I just don't recall.  
20 It was probably around every new hire we had what their  
21 second and third job. I just don't recall the details.

22 Q. Did you ever tell Cameron Curran that you  
23 thought he should do anything different in the way he  
24 was supervising Ciara?

25 MR. LAFAYETTE: Objection. It's been

1 previously asked and answered.

2 MS. SMALLETS: Q. Did you ever tell Cameron  
3 Curran that you thought there was anything different he  
4 should do in the way he was supervising Ciara?

5 MR. LAFAYETTE: Objection. Previously asked  
6 and answered. Overbroad. Vague and ambiguous.

7 THE WITNESS: No.

8 (Exhibit 33 was marked.)

9 MS. SMALLETS: Q. The court reporter has given  
10 you a document marked as Exhibit 33. It's bates stamped  
11 DEF 124 through 129. It's an e-mail that you sent to  
12 Christine Layne cc'ing yourself and Mike Beck on  
13 September 21st. Do you recall sending that e-mail?

14 A. I don't recall sending it, but if my name is on  
15 it I'm sure I did.

16 Q. And it refers to -- the first two pages it  
17 says -- it starts by saying "9/20/16 interview Jeff  
18 Fischer, Attendees Guy Rozar and Eric Perez." Do you  
19 see that?

20 A. Yes.

21 Q. Does that refresh your recollection that you  
22 and Guy Rozar interviewed Jeff Fischer on September  
23 20th?

24 A. Yes.

25 Q. Was Guy Rozar the refinery team lead at that



1 Christine, Ray Jones, Nick, at the end of that meeting  
2 we asked her to give us some details about what she's --  
3 is there anything going on. At that time she said she  
4 wouldn't give us any kind of details. So when she went  
5 on her days off, she came back, I asked her again. At  
6 that time she didn't give us no details. So at that  
7 point we said we gotta start investigating without her  
8 input and that's why we started this investigation with  
9 Jeff Fischer and Cameron.

10 Q. And on the page that's bates stamped DEF 125,  
11 the first full bullet point at the top, last couple of  
12 lines, it says "One time Jeff said he had to text her to  
13 wake her up. Jeff still has the text and will send it  
14 to Eric Perez." Do you see that?

15 A. Yes.

16 Q. Did Jeff ever send you that text?

17 A. I don't recall, but if he did you guys would  
18 have -- I don't recall.

19 MR. LAFAYETTE: I think it's been produced.

20 MS. SMALLETS: I don't think it exists.

21 MR. LAFAYETTE: I think it's been produced.

22 You just don't know what you're looking at. I'm certain  
23 it's been produced. I've seen it.

24 MS. SMALLETS: Q. Did you and Guy Rozar  
25 interview Cameron Curran?



1 A. Yes.

2 Q. Do you recall what day that interview took  
3 place?

4 A. I don't recall.

5 Q. I'm looking at page DEF 926.

6 A. 926?

7 Q. I'm sorry. 126. I'm sorry. It says here

8 "Question: Tell me about the incident with the acid  
9 spill." Do you see that?

10 A. Yes.

11 Q. How did you know to ask him about the incident  
12 with the acid spill?

13 A. I want to say that was part of the discussion  
14 we had with Ciara, Ray Jones, Nick Backens, Christine  
15 Layne, and it was on her PD file.

16 Q. The incident with the acid spill was on her PD  
17 file?

18 A. I thought it was. I'd have to look at her PD  
19 file.

20 Q. Okay. Let's look at the PD file, Exhibit 16.

21 A. Is this the whole PD file here?

22 Q. To the best of my knowledge.

23 A. I read it somewhere. I thought it would have  
24 been in the PD file. I stand corrected.

25 Q. Okay. What do you recall knowing about the

1 incident with the acid spill prior to talking to Cameron  
2 Curran?

3 MR. LAFAYETTE: Objection. This has previously  
4 been asked and answered. It's cumulative.

5 THE WITNESS: Prior to talking to Cameron?

6 MS. SMALLETS: Yes.

7 THE WITNESS: I don't recall anything that I  
8 knew about it prior to talking to Cameron. I don't  
9 recall.

10 MS. SMALLETS: Q. Do you recall what Ciara  
11 said about it in the meeting with the union rep?

12 MR. LAFAYETTE: Can I have the question back?

13 (Record read.)

14 THE WITNESS: Now you got me questioning if it  
15 was part of that meeting. Unless I look at my meeting  
16 notes and summary, I don't know if it was part of the  
17 meeting with Christine Layne, Ray Jones and Nick  
18 Backens.

19 MR. LAFAYETTE: Have those been marked,  
20 Counsel?

21 MS. SMALLETS: Q. Did you take handwritten  
22 notes at the meeting with Christine and Nick and Ray  
23 Jones?

24 A. I don't recall.

25 Q. Did you take any handwritten notes of the



1 interview with Cameron Curran?

2 A. I believe these are it and I retyped it.

3 Q. Did you type when you were talking to him?

4 A. No. If I took handwritten notes, then I typed  
5 it up afterwards is what I'm I guess -- I don't recall  
6 if I took handwritten or -- knowing me, I probably took  
7 handwritten and then typed it.

8 Q. And when you're talking about notes of the  
9 August 2nd meeting, are you talking about something  
10 that's handwritten or typed?

11 A. The August 2nd meeting?

12 Q. I'm sorry. The meeting with Christine and  
13 Ciara and the union rep.

14 A. Say the question again, please.

15 Q. Sorry. Did you take handwritten notes during  
16 the meeting with Christine and Ciara and the union rep?

17 MR. LAFAYETTE: Previously asked and answered.

18 THE WITNESS: I just don't recall if I did or I  
19 didn't on that particular meeting.

20 MS. SMALLETS: Q. You were talking about --  
21 you said something about you wanted to look at your  
22 summary of the meeting. I'm trying to figure out what  
23 it is.

24 MR. LAFAYETTE: The talking points. Do you  
25 know what I'm talking about?

1 MS. SMALLETS: I know what you're talking  
2 about, but those are not notes of the meeting.

3 MR. LAFAYETTE: I know, but that would probably  
4 help refresh his recollection. That's all I'm  
5 suggesting.

6 MS. SMALLETS: Q. So what we were just  
7 discussing is I've seen handwritten notes that Christine  
8 Layne took and she testified about. I haven't seen any  
9 notes that you took.

10 MR. LAFAYETTE: I think we're being a bit too  
11 literal. That's why I'm saying maybe we should look at  
12 the talking points.

13 MS. SMALLETS: I think the talking points were  
14 written prior to the meeting.

15 MR. LAFAYETTE: That's what I'm talking about  
16 too. What I'm basically suggesting, if you're trying to  
17 refresh his recollection, that may be what you want to  
18 use. That's all I'm saying.

19 MS. SMALLETS: And just so we're clear, you're  
20 referring to talking points that were written prior to  
21 that meeting?

22 MR. LAFAYETTE: Exactly. That's what I'm  
23 talking about, and what I'm saying to you is we may be  
24 being a bit too literal. That's all I was saying.

25 MS. SMALLETS: I just want to make sure we're



1 on the same page. As far as I'm aware, there's not  
2 anything that Mr. Perez wrote after that meeting writing  
3 down what he said.

4 MR. LAFAYETTE: I have given you everything  
5 that I have. Okay?

6 MS. SMALLETS: Okay. I'm just trying to make  
7 sure you're not saying that you think there is.

8 MR. LAFAYETTE: The only thing I'm telling you  
9 is I've given you everything that I have and I think  
10 that you might want to try and refresh his recollection  
11 with those notes, those notes that I told you about.

12 MS. SMALLETS: Q. Do you recall preparing any  
13 talking points for the meeting with Ciara prior to the  
14 meeting?

15 A. Yes.

16 Q. Do you recall preparing -- as you sit here  
17 today, do you recall preparing anything after the  
18 meeting in which you wrote down either by hand or typing  
19 what happened at that meeting?

20 A. I believe the way that meeting went I went over  
21 my talking points and Christine did the notes. I  
22 couldn't do my talking points and notes. I believe  
23 that's the way it went.

24 Q. Did Ciara say anything in that meeting?

25 MR. LAFAYETTE: We've covered this before.

1 THE WITNESS: Did she talk at all?

2 MS. SMALLETS: Yeah.

3 THE WITNESS: I believe she talked, but I don't  
4 recall what she said.

5 MS. SMALLETS: Q. Just so I'm clear, what she  
6 said wouldn't be in your talking points because you  
7 prepared the talking points before the meeting; right?

8 A. My talking points -- yes.

9 Q. So my question is, do you remember -- did you  
10 remember anything that Ciara said about the acid spill  
11 in that meeting?

12 MR. LAFAYETTE: You just asked him that.

13 THE WITNESS: So I don't know if the acid  
14 spill -- that's what I was saying. I don't know if the  
15 acid spill was part of that meeting unless I see my  
16 summary or my talking points or Christine's notes is how  
17 I would know if the acid spill was part of that meeting  
18 or not.

19 MS. SMALLETS: Q. And at the time you  
20 interviewed Cameron, do you have any recollection as to  
21 how you knew to ask him about the acid spill?

22 MR. LAFAYETTE: Objection. It's argumentative.  
23 It's been asked and answered, and he's been begging for  
24 something from you.

25 THE WITNESS: How I knew about the acid spill



1 is what you're asking?

2 MS. SMALLETS: Yeah.

3 THE WITNESS: I'm sure me and Cameron -- me and  
4 Cameron talked or e-mailed, but I just don't recall the  
5 e-mails that were sent back and forth for me and Cameron  
6 unless we have something.

7 MR. LAFAYETTE: I can't tell if this is Exhibit  
8 20.

9 MS. SMALLETS: You're welcome to look at  
10 Exhibit 20 if you want.

11 MR. LAFAYETTE: Do you have Christine's notes?  
12 I'm just saying -- I'm just trying to make sure that we  
13 do something soon that can refresh his recollection.  
14 That's all. I'm not trying to do anything else.

15 THE WITNESS: So I don't see in Exhibit 20 the  
16 acid spill.

17 MS. SMALLETS: Q. Just so we're clear, Exhibit  
18 20 says "Christine, here's my draft of the discussion  
19 with Ciara" and so this was all prepared in preparation  
20 for that meeting; right?

21 A. Yes.

22 Q. You ask Cameron about the acid spill. What do  
23 you recall Cameron telling you?

24 A. I don't recall asking him.

25 Q. It says "Tell me about the incident with the

1 acid spill. How did that go? What was your and Ciara's  
2 response?" Is that a question you asked? Is that a  
3 question Guy asked? Did no one ask that question?

4 A. It was asked if it was here, but I don't recall  
5 if I or Guy did it. It was asked.

6 Q. Do you recall anything about what Cameron said  
7 in response?

8 A. Let me see. Just what's written. I don't  
9 recall Cameron -- I mean -- I don't recall the  
10 conversation, but if it's here I'm sure I took the notes  
11 or Guy and we typed it up.

12 Q. So looking at this first bullet point, it  
13 says -- I might skip ahead a little bit -- "At the end  
14 of the day Cameron was reviewing the shift reports and  
15 saw that Ciara reported there was an acid spill." See  
16 where I'm at?

17 A. Yeah.

18 Q. "Cameron asked her how she knew about it and  
19 she said she overheard the conversation with Cameron and  
20 the vendor. Cameron explained he's going to talk to the  
21 shift team lead the shift it happened on." And it says  
22 "I told her if she left it in her shift report the  
23 operator might get in trouble and he wanted to talk to  
24 the shift team leader about the incident."

25 Is the "I" in that sentence referring to



1 Cameron or is that something you said?

2 A. No. The statement -- the I told her if she --  
3 that ain't nothing I said about her in the shift report.

4 Q. Is this something Cameron said?

5 A. I'm assuming Cameron were -- the shift team  
6 lead were asking Cameron the question. If it's with an  
7 I, it's what Cameron said.

8 Q. Take a look at that entire first bullet point  
9 and let me know if you believe that that was an accurate  
10 statement of what Cameron told you.

11 A. Say your question again.

12 Q. Do you believe that that was an accurate --  
13 that that first bullet point is an accurate summary of  
14 what Cameron told you?

15 A. I don't remember what Cameron told me, but if  
16 it's here -- I just can't compare the conversation we  
17 had and what's written here. It's just too long ago.  
18 If it's in here, it's probably accurate with the notes  
19 that were taken.

20 Q. And you wrote this within how long? Do you  
21 know how long after the interview you wrote this?

22 A. I don't know if it was me or Guy that wrote  
23 this. If one of us was asking the questions, the other  
24 one was taking the notes. I just don't recall how that  
25 process worked.

1 Q. And when you sent this to Christine and Mike  
2 Beck, did you believe you were sending them an accurate  
3 summary of what happened in that meeting?

4 A. Yes.

5 Q. Let's take a look at the second bullet point  
6 that's now on page DEF 127.

7 A. Okay.

8 Q. Do you believe that this is an accurate summary  
9 of what Cameron told you in that meeting?

10 MR. LAFAYETTE: Same objection as before.

11 Cumulative. It requires the witness to speculate.

12 THE WITNESS: Yes.

13 MS. SMALLETS: Q. The next question is -- I'm  
14 still reading the same document -- "Did she bring up any  
15 issues on how it was handled?" Do you see that?

16 A. M-hm.

17 Q. And then take a look at the -- is the bullet  
18 point below that question Cameron's response?

19 A. Yes.

20 MR. LAFAYETTE: Are you at the bottom of 127?

21 MS. SMALLETS: Yes.

22 Q. And do you believe that what was in this bullet  
23 point is an accurate description of Cameron's response  
24 to that question?

25 MR. LAFAYETTE: Objection. Requires the



1 witness to speculate. Lacking in foundation.

2 THE WITNESS: Yes.

3 MS. SMALLETS: Q. After you had this interview  
4 with Cameron, did you do anything to follow up on any of  
5 the things that Cameron said other than sending this  
6 summary to Christine and Mike Beck?

7 MR. LAFAYETTE: Objection. Assumes a fact not  
8 in evidence. Requires the witness to -- it's lacking in  
9 foundation.

10 THE WITNESS: I don't recall.

11 MS. SMALLETS: Q. Did anything that Cameron  
12 said to you during that interview cause you any concern?

13 MR. LAFAYETTE: Objection. It's overbroad.  
14 It's vague and ambiguous. It requires a summary. It's  
15 unspecific.

16 THE WITNESS: Let me take a look at it.

17 MS. SMALLETS: Sure.

18 THE WITNESS: No.

19 MS. SMALLETS: Q. Cameron said that -- if you  
20 look at the bottom of the second bullet point, Cameron  
21 said that he didn't want Ciara to get a reputation of a  
22 tattletale. Do you see that?

23 A. What page?

24 Q. DEF 127.

25 MR. LAFAYETTE: Where?



1 MS. SMALLETS: Q. The bottom of the -- the  
2 first bullet point on that page.

3 MR. LAFAYETTE: You misread the statement. The  
4 statement was more expansive. It said the reason that  
5 Cameron talked to her about -- quote, "The reason  
6 Cameron talked to her about putting it in her shift  
7 report was he wanted to handle it with the team leader  
8 and didn't want Ciara to get a reputation of  
9 tattletale," close quote.

10 MS. SMALLETS: Q. Do you see that?

11 A. Yes.

12 Q. Do you believe that if Ciara had put that  
13 information in her shift report that would have given  
14 her a reputation as a tattletale?

15 MR. LAFAYETTE: Objection. Requires this  
16 witness to speculate. It's an improper opinion in the  
17 deposition. It's not relevant nor is it likely to lead  
18 to the discovery of admissible evidence.

19 THE WITNESS: It would be all speculation. I  
20 couldn't tell you what other people would think.

21 MS. SMALLETS: Q. Do you think that if Ciara  
22 had put that in her shift report in your opinion would  
23 that make her a tattletale?

24 MR. LAFAYETTE: Objection. He just answered  
25 that. Objection. It requires an improper opinion.

1 Objection. It requires speculation. An incomplete  
2 hypothetical. Requires him to assume facts not in  
3 evidence.

4 THE WITNESS: Can you repeat the question? If  
5 I thought she was a tattletale if she did that?

6 MS. SMALLETS: Yeah.

7 THE WITNESS: Honestly, I wouldn't have an  
8 opinion one way or the other. Stuff goes in shift  
9 reports all the time that are about previous shifts that  
10 I never think that they're not tattletales or -- I don't  
11 know. I don't know. On this particular scenario --

12 MR. LAFAYETTE: Go ahead. You're done. You've  
13 answered.

14 MS. SMALLETS: Q. What were you about to say?

15 MR. LAFAYETTE: What?

16 MS. SMALLETS: I was asking him what he was  
17 about to say. I want to make sure I got his full  
18 testimony.

19 MR. LAFAYETTE: You did get his full testimony.  
20 If you have a question, ask a question. Do you have a  
21 question?

22 MS. SMALLETS: Q. The question was what were  
23 you about to say?

24 MR. LAFAYETTE: That's not a proper question  
25 for a deposition. Are you done?



1 THE WITNESS: Yeah. I'm done.

2 MS. SMALLETS: Q. Okay. As the production  
3 supervisor, did it cause you -- does it cause you any  
4 concern to learn that a shift team leader instructed an  
5 operator to take information out of a shift report?

6 MR. LAFAYETTE: Objection. That's an  
7 incomplete hypothetical. Misstates the testimony.  
8 Misstates the witness and it's argumentative.

9 THE WITNESS: I don't believe that -- I don't  
10 know what Cameron's intent was here. He might have been  
11 trying to protect her. I don't know. I'm just  
12 speculating what Cameron --

13 MR. LAFAYETTE: You don't have to speculate.  
14 Don't speculate. The one thing you don't have to do is  
15 speculate in this room. She will wind up taking that  
16 speculation and saying instead it was your sworn  
17 testimony and then she'll say you've lied. Don't  
18 speculate in this room.

19 THE WITNESS: I don't know what his intent was.

20 MS. SMALLETS: Q. You said he might have been  
21 trying to protect her. From what?

22 A. I don't know.

23 MR. LAFAYETTE: You see, that's where the --  
24 objection. It's argumentative. Requires speculation.  
25 Incomplete hypothetical.



1 MS. SMALLETS: Can you read my previous  
2 question back?

3 (Record read.)

4 MR. LAFAYETTE: What I'm trying to do, Counsel,  
5 there's something I need to get done. I need to take a  
6 break shortly to get it done.

7 MS. SMALLETS: Let's finish this line of  
8 questioning.

9 MR. LAFAYETTE: Okay.

10 MS. SMALLETS: Q. Do you need to have the  
11 question reread again?

12 A. Yes.

13 (Record read.)

14 MR. LAFAYETTE: And can you read what he said  
15 after that?

16 (Record read.)

17 MR. LAFAYETTE: He answered you and he said  
18 he'd be speculating and now you're trying to get him to  
19 speculate. That's argumentative. That's harassment.

20 MS. SMALLETS: Q. So my question to you -- I  
21 wasn't asking you about Cameron's motivation. I don't  
22 want you to speculate about Cameron's motivation. I'm  
23 not concerned at the moment about Cameron's motivation.  
24 I'm saying you're Cameron's boss; right?

25 A. M-hm.

1 Q. I'm saying as Cameron's boss, did learning that  
2 Cameron says to Ciara take this information out of her  
3 shift report, does that concern you in any way?

4 MR. LAFAYETTE: It's an incomplete  
5 hypothetical. It's an incomplete statement. Read the  
6 entirety of the statement because now she's taking it  
7 out of context. It's not what happened and requires him  
8 to speculate. It's argumentative.

9 THE WITNESS: I just -- I feel I just don't  
10 know enough of the details on how this conversation with  
11 Cameron and Ciara went.

12 MR. LAFAYETTE: Okay. That's fine. Do you  
13 have a comment because you're staring at me and mocking  
14 me and everything else.

15 MS. SMALLETS: Did you just say that's fine?  
16 That is coaching the witness. You need to stop doing  
17 that.

18 MR. LAFAYETTE: Let's move on. You just want  
19 to do anything -- just move on. Just ask your  
20 questions.

21 MS. SMALLETS: Please do not comment on the  
22 witness's testimony.

23 MR. LAFAYETTE: I'm not going to respond to  
24 your comments. Just take a deposition, please.

25 MS. SMALLETS: Q. You said you needed to know



1 more information essentially. Did you ask Cameron for  
2 more information after you conducted this interview?

3 A. After I conducted this with Cameron?

4 Q. Yes.

5 A. I don't recall.

6 Q. Did you ask Ciara for any more information?

7 A. In September? I don't recall.

8 Q. What additional information would you need to  
9 know?

10 MR. LAFAYETTE: Objection. It's vague,  
11 ambiguous, uncertain and unintelligible with regard to  
12 time. It is -- go ahead.

13 THE WITNESS: Information on the acid spill or  
14 what are you asking?

15 MS. SMALLETS: Q. I said to you as Cameron's  
16 boss did Cameron saying to Ciara, based on what he says  
17 himself, that he told her if she left it in the shift  
18 report the operator might get in trouble, that she can  
19 leave it in but the operator may get in trouble. Do you  
20 see that?

21 A. Yes.

22 MR. LAFAYETTE: Counsel, when you can I really  
23 do -- Counsel, stop putting your hand in front of my  
24 face like that. Okay?

25 MS. SMALLETS: My hand is many feet from your



1 face.

2 MR. LAFAYETTE: I know they are now. They're  
3 on your side like they didn't come up around the table.  
4 Just listen to me. When I ask you for a break because I  
5 need to get something done, I am looking at the clock  
6 and I really do. I'm not trying to do anything other  
7 than my job. So just let me take --

8 MS. SMALLETS: We can take a break as soon as  
9 we finish this line of questioning.

10 MR. LAFAYETTE: You keep saying that and it  
11 keeps going on and on and on.

12 MS. SMALLETS: We're still asking the same  
13 question. You're interrupting my ability to get the  
14 witness's testimony.

15 MR. LAFAYETTE: I need to let somebody know  
16 something and so tell me when you think that's going to  
17 be.

18 MS. SMALLETS: Five minutes.

19 MR. LAFAYETTE: I have a serious issue that I  
20 need to resolve.

21 MS. SMALLETS: Five minutes. We're in a  
22 deposition. That is a serious court proceeding and I  
23 expect you to take that seriously.

24 MR. LAFAYETTE: I'm going to take a break. I'm  
25 tired of the insults. Okay? I'm really tired of the

1 insult. I'm taking a break. I need to do something. I  
2 asked you carefully. I asked you graciously. I give  
3 you time. I tell you I need to do it and you just  
4 ignore me.

5 (Recess taken.)

6 MS. SMALLETS: Q. So I had asked you before we  
7 took a break, you know, if you had any concerns about  
8 this as Cameron's boss and you said you'd need some  
9 additional information. I'm asking you what additional  
10 information would you need?

11 A. In particular about having it in the shift  
12 report?

13 Q. Yes.

14 A. How she wrote it, what she wrote, how was it  
15 worded, was there names involved.

16 Q. Why would it matter if there were names  
17 involved?

18 A. I guess it would be in the content that she was  
19 writing it.

20 Q. And did you ask anyone any of those things?

21 A. I don't recall.

22 Q. Did you give Cameron Curran any feedback  
23 regarding his statement to Ciara that if she left this  
24 in the shift report the operator might get in trouble?

25 MR. LAFAYETTE: Objection. It misstates the



1 document. The document is its own best evidence of what  
2 it says.

3 THE WITNESS: Yeah. I don't recall.

4 MS. SMALLETS: Q. Did you tell him that you  
5 thought he had done anything inappropriate?

6 MR. LAFAYETTE: Objection. It's argumentative  
7 based upon the prior answer. Lacking in foundation with  
8 the witness. Assumes facts not in evidence. Requires  
9 speculation.

10 THE WITNESS: I don't recall a conversation  
11 about any of this unless we had -- unless there's  
12 something that I had written, but I don't recall.

13 MS. SMALLETS: Q. Is there a period of time  
14 that an employee can be late for their shift before  
15 their pay gets docked, an operator?

16 MR. LAFAYETTE: Objection. This is cumulative.  
17 May require this witness to speculate. Lacking in  
18 foundation.

19 THE WITNESS: Yes.

20 MS. SMALLETS: Q. How long is that period of  
21 time?

22 A. Before their pay gets docked? I want to say  
23 they're officially late -- which schedule?

24 Q. I'm talking about the OPCEN operators.

25 A. The rotating shift operators?



Eric Perez Volume II  
June 07, 2018

1 testimony of Christine Layne, Cameron Curran, Mike Beck.

2 THE WITNESS: Can you repeat the question?

3 MS. SMALLETS: Q. If an operator who is coming  
4 in starting a shift and going to be late, are they  
5 allowed to ask the outgoing operator to stay to cover  
6 for them?

7 MR. LAFAYETTE: Objection. Assumes a fact not  
8 in evidence. Incomplete hypothetical. Cumulative  
9 testimony and all the other things I just said.

10 THE WITNESS: If they're going to be late, they  
11 should be involving the shift team leader.

12 MR. LAFAYETTE: Look at me again when I  
13 sniffle, okay, and I'm going to walk out of here. I  
14 can't do a thing in this room without -- I have sinus  
15 issues. You know it because you knew that I went to the  
16 doctor recently and had to do procedures. Okay? I  
17 don't want to have to sit in a room where if I sniffle,  
18 if I do anything, you start looking at me like that.  
19 It's inappropriate. So let's move on.

20 MS. SMALLETS: Counsel, you just literally said  
21 that it was inappropriate for me to look at you because  
22 you sniffled.

23 MR. LAFAYETTE: Like that. Like that.

24 MS. SMALLETS: Is that the position you're  
25 taking?

1 MR. LAFAYETTE: I'm taking like that, this  
2 accusatory thing.

3 MS. SMALLETS: You made a noise. I looked at  
4 you. You have accused me of not looking at you when  
5 you're making noises.

6 MR. LAFAYETTE: Let's move the deposition on,  
7 please. Okay?

8 MS. SMALLETS: I would love to move the  
9 deposition on.

10 MR. LAFAYETTE: Then do it.

11 MS. SMALLETS: However, you are the one who is  
12 stopping it.

13 MR. LAFAYETTE: Then do it.

14 MS. SMALLETS: Q. You said -- I'm sorry. I  
15 got distracted. Your previous answer was they involved  
16 the shift team leader, something like that?

17 MR. LAFAYETTE: Ask the court reporter to read  
18 it back.

19 (Record read.)

20 MS. SMALLETS: Q. Involving the shift team  
21 leader to do what?

22 A. To let him know they're going to be late.

23 Q. Then what happens?

24 A. If they call the shift team leader, notify them  
25 they're going to be late --

1 MR. LAFAYETTE: I'll make an objection before  
2 he answers. It's an incomplete hypothetical. Assumes  
3 facts. May require him to speculate.

4 THE WITNESS: The shift team leader -- what  
5 happens after they call him?

6 MS. SMALLETS: Yes.

7 THE WITNESS: How late are they?

8 MS. SMALLETS: 20 minutes.

9 MR. LAFAYETTE: Objection. It's still an  
10 incomplete hypothetical.

11 THE WITNESS: Per Shell policy, three tardies  
12 is an incident toward an attendance program. So they  
13 gotta document that. They should be logging it in PD  
14 files and tracking tardies. They should document it in  
15 the timekeeping card that they were tardy. They should  
16 be -- OPCEN has a spreadsheet where they track tardies,  
17 track absences, track incidents towards the attendance  
18 policy. So the team leader needs to be involved anytime  
19 there's a tardy or anytime there's an absence.

20 MS. SMALLETS: Q. You said OPCEN has a  
21 spreadsheet where they track tardies?

22 A. Yeah.

23 Q. What's that called? Does it have a name?

24 A. Some of them -- they either have a spreadsheet  
25 or a book that just tracks tardies and absences.



1 Q. And are tardies tracked -- how many minutes  
2 does the person have to be tardy before it gets tracked  
3 on that spreadsheet?

4 MR. LAFAYETTE: Objection. May require this  
5 witness to speculate. He's not been designated as the  
6 person most knowledgeable on this subject.

7 THE WITNESS: I believe it's 15 minutes after  
8 their start time they're tardy.

9 MS. SMALLETS: Q. And are you aware of any  
10 instance in which an operator has been allowed to have  
11 another operator stay to cover for them because they're  
12 going to be, say, 20 minutes late?

13 MR. LAFAYETTE: Objection. Relevancy.  
14 Objection. May require him to speculate. Lacking in  
15 foundation. Incomplete hypothetical.

16 THE WITNESS: It's happened before. I haven't  
17 been a shift team leader in many years, so I don't know  
18 if it's a lot of that going on or not currently today.  
19 I couldn't give you an accurate answer since I've been  
20 out of that rotating shift team leader role for many  
21 years.

22 MS. SMALLETS: Q. Is that something that went  
23 on during the time you were the shift team lead?

24 A. It would occasionally happen, but the way that  
25 the -- the shift team leaders were always told if an

1 operator is going to be tardy that they should be  
2 involved. The shift team leaders aren't there as  
3 operators are walking through the gate. They would have  
4 to be made known of it, of a tardy, for them to get  
5 involved. They would have to be made known of it I  
6 guess. Did that answer your question?

7 Q. I think so. Let me ask a clarifying question.  
8 You said the shift team leaders aren't there when the  
9 operators are walking through the gate. Is there  
10 somewhere else they're sort of scheduled to be?

11 A. OPCEN is a little different. Their shift team  
12 leader office is in the same building as the operators.  
13 Not all departments are like that. But the shift team  
14 leaders are giving their turnover to their relief.

15 Q. I think I got this. Let me make sure. So at  
16 the scheduled time for the operators to arrive, that's  
17 the point in time when the shift team leaders are giving  
18 their turnover to their relief?

19 A. Yes.

20 Q. How long does that typically take if you know?

21 A. It varies. Probably about 15 minutes.

22 (Exhibit 34 was marked.)

23 MS. SMALLETS: Q. The court reporter has given  
24 you a document that's marked as Exhibit 34. It's bates  
25 stamped DEF 2009 through 2011. There's an e-mail from

1 regarding?

2 A. Looks like Ciara for sure.

3 Q. Anybody else?

4 A. I don't recall.

5 Q. Did Richard Metcalf provide feedback regarding  
6 any of the new hires?

7 A. I don't recall. Yeah. I don't know if this is  
8 Cameron's, Richard's or whose, this right here. I just  
9 don't know whose this is. I'm assuming it's Cameron  
10 because it got forwarded from Cameron. Okay. Sorry.

11 Q. Take a look at Exhibit 22 for a second.

12 A. From today?

13 Q. It's from the original set.

14 A. Okay.

15 Q. We talked about this that this is a screenshot  
16 of a Lync/Skype communication. It's a one-page  
17 document. I'm actually looking at the top part and it  
18 appears that you e-mailed it to yourself on July 29th.  
19 Is that the case? Did you e-mail this to yourself?

20 A. I'm sure I did if it's like that, yes.

21 Q. Do you know why did you e-mail this to  
22 yourself? Let the record reflect that the witness is  
23 looking at Exhibit 1.

24 A. So on the 29th -- no, I don't recall.

25 Q. During the time that you were production



1 supervisor, were any other employees other than Ciara  
2 terminated from the OPCEN department?

3 A. No. Hold on. Sorry. To clarify, during her  
4 class?

5 Q. No. Just during the time you were production  
6 supervisor.

7 A. New hires or anybody?

8 Q. Anybody.

9 A. Yes.

10 Q. How many that you can recall?

11 A. Just OPCEN?

12 Q. Yes.

13 A. One.

14 Q. And was that person a man or a woman?

15 A. Man.

16 Q. And what did that person -- what were the  
17 circumstances that led to that termination?

18 A. He was on a -- a couple different things. Let  
19 me think. Putting hours in that he said he wasn't --  
20 saying he was here when he wasn't here the total amount  
21 of hours and also using a Pro card outside of Shell  
22 business.

23 Q. By Pro card, using a Shell credit card?

24 A. M-hm.

25 Q. For personal use?

1 A. Yes.

2 Q. Do you recall how much money he spent on the  
3 Shell credit card for his personal use?

4 A. I don't recall.

5 Q. And do you recall roughly how many hours he  
6 claimed to be at work when he wasn't?

7 A. The hours got him up to a certain level of  
8 discipline. The credit card is what pushed him over.

9 Q. Do you recall --

10 A. You asked about termination, but the hours put  
11 him up to a high level of discipline, but eventually  
12 everything got him terminated, the hours he wasn't  
13 working and the credit card. I don't know the amount of  
14 hours or the amount of charges. I just don't recall it.

15 Q. Anyone terminated from the delayed coking  
16 department during the time that you were the production  
17 supervisor there?

18 MR. LAFAYETTE: Objection. Relevancy.

19 MS. SMALLETS: He's the decision-maker.

20 MR. LAFAYETTE: I'm not arguing with you. I'm  
21 just making my objections.

22 THE WITNESS: Yes.

23 MS. SMALLETS: Q. How many people?

24 A. One.

25 Q. Was that person a man or a woman?

June 07, 2018

## REPORTER'S CERTIFICATE

I, NOEL CARTER DEGNAN, CSR 6921, a Certified  
Shorthand Reporter, do hereby certify:

That the foregoing proceedings were taken  
before me at the time and place therein set forth, at  
which time the witness was put under oath by me;

That the testimony of the witness, the  
questions propounded, and all objections and statements  
made at the time of the examination were recorded  
stenographically by me and were thereafter transcribed;

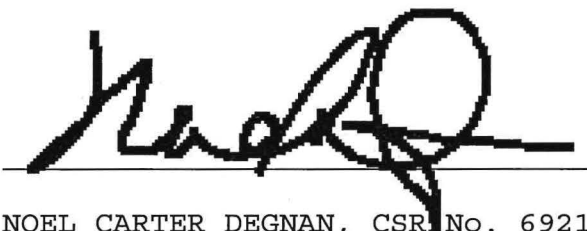
That a review of the transcript by the deponent  
was requested;

That the foregoing is a true and correct  
transcript of my shorthand notes so taken.

I further certify that I am not a relative or  
employee of any attorney of the parties, nor financially  
interested in the action.

I declare under penalty of perjury under the  
laws of California that the foregoing is true and  
correct.

Dated this 15th of June, 2018.



NOEL CARTER DEGNAN, CSR No. 6921



**From:** Perez, Eric G SOPUS-DMW/310  
**Sent:** Monday, August 29, 2016 1:46 PM  
**To:** Chamberlain, Ian B SOPUS-DMW/312; Curran, Cameron W SOPUS-DMW/312; Fregoso, Fonzo SOPUS-DMW/312; Gaskins, Michael R SOPUS-DMW/312; Goff, Donnie J SOPUS-DMW/312; Green, Andrew J SOPUS-DMW/312; King, Edward J SOPUS-DMW/312; Lett, Philip K SOPUS-DMW/312; Metcalf, Richard L SOPUS-DMW/312; Miller, Paul T SOPUS-DMW/312; Myers, Richard L SOPUS-DMW/312; Perez, Eric G SOPUS-DMW/310  
**CC:** Beck, Michael A SOPUS-DMW/312  
**Subject:** Inappropriate Material

STL's,

It was brought to my attention that an appropriate sticker was brought into the gates and was discovered by another person. As a reminder inappropriate material is not OK to bring into work and this conduct will not be tolerated. Can you please discuss with your teams this is against Shell's code of conduct policy. No need to document in the PD files but have the conversation with your teams. Thank you



DEF 000948



**From:** Perez, Eric G SOPUS-DMW/312  
**Sent:** Saturday, September 17, 2016 10:39 AM  
**To:** Layne, Christine R SOPUS-HRN/AM  
**CC:** Beck, Michael A SOPUS-DMW/312  
**Subject:** Fwd: 8-29-2016

Fyi

Eric

Begin forwarded message:

**From:** "Newton, Ciara SOPUS-DMW/312"  
**Date:** September 17, 2016 at 8:26:04 AM PDT  
**To:** "Perez, Eric G SOPUS-DMW/312"  
**Subject:** 8-29-2016

Hi Eric,

I would like to follow up on our meeting August 29<sup>th</sup> 2016.  
We discussed previous incidents, where I felt I was being singled out and  
I gave you a sticker that was left on my desk that morning, reading  
"If your pussy hurts, just go home."  
You mentioned you would investigate the situation and for me to follow up via email,  
Sorry I'm just now getting around to it. I know it's a little late.

Thanks  
Ciara



DEF 001866



**From:** Perez, Eric G SOPUS-DMW/310  
**Sent:** Wednesday, September 21, 2016 6:59 AM  
**To:** Metcalf, Richard L SOPUS-DMW/312  
**CC:** Beck, Michael A SOPUS-DMW/312  
**Subject:** RE: Emailing: Progress Report 240 Days - Newton - Copy  
**Attachments:** Progress Report 240 Days - Newton - Copy.docx

CONFIDENTIAL:

Richard before you issue lets align on Ciara 240 review. I pasted you response below on her rating. I am not asking you to change anything but me and you need be aligned on her performance and behaviors since she has been employed. Not just with Ciara but this applies to all our new hires coming out of this last class. I will set up a meeting notice for me you and Mike to discuss after the Monday morning meeting. Thank you. See ya next week..... Thank you

Permitting 1-5 (2)  
Attitude / behaviors / energized 1-5 (4) Isolating 1-5 (2) Work ethic 1-5 (4) Every thing you know today how likely would you hire them today 1-5 (1 no and 5 is yes) (2)

-----Original Message-----

**From:** Metcalf, Richard L SOPUS-DMW/312  
**Sent:** Wednesday, September 21, 2016 12:21 AM  
**To:** Perez, Eric G SOPUS-DMW/312  
**Subject:** Emailing: Progress Report 240 Days - Newton - Copy

Your message is ready to be sent with the following file or link attachments:

Progress Report 240 Days - Newton - Copy

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



DEF 000987

**DAY PROGRESS REPORT**

30 Day	60 Day	90 Day	120 Day	150 Day	180 Day	210 Day	240 Day	270 Day
Employee Name: Ciara Newton			EE# 251159		Equated Date: 1/04/16		Probationary Period Ends: 9/30/16	
Department/Unit: OPCEN			Job Classification: OPERATOR START		Time in This Job: Training		Time Under your Supervision: > 60 days	
					240 Days		57 Days	
<b>PERFORMANCE FACTORS</b>								
<b>SAFETY AND HOUSEKEEPING</b>					<b>WORK SPEED, ACCURACY, AND THOROUGHNESS</b>			
Leader in Safety; Demonstrates Deep Involvement and Accomplishments in Working Safely, Maintaining clean, Safe Work Area, and participating in Safety Meetings.					Works Rapidly and Extremely Accurately and Thoroughly; Pays Close Attention to Detail; Errors Rarely Found in Work.			
Follows Prescribes Safety Standards; Conscientiously Maintains Clean Work Environment; Performs Job Safely, and Participates in Safety Meetings.					Consistently Works Accurately and Thoroughly at a Normal Rate; Errors Seldom Found in Work.			
Sometimes Must be Reminded of Safety; Shows Secondary Interest in Performing Safety and/or Maintaining Safe Environment; May not Participate in Meetings Regularly.					Works at an Acceptable Rate; Accuracy of Work Generally Good; Errors Sometimes Found in Work; Usually Thorough.			
Has to be Constantly Reminded of Safety Standards; Shows no Interest in Improving in This Area or in Participating in Safety Meetings.					Work Pace and/or Error Rate are Unacceptable.			
Cannot Rate					Cannot Rate			
COMMENTS/EXAMPLES: Ciara is learning to be a safe operator. She is concerned about health and safety of herself, her coworkers and the environment. She is Doing better at projecting and conveying unit info.					COMMENTS/EXAMPLES: Ciara gets right out into the unit to start her readings and samples.			
<b>EXERCISING JUDGEMENT-SOLVING PROBLEMS</b>					<b>TEAMWORK, COOPERATION, AND GETTING ALONG</b>			
Judgement is Excellent; Almost Any Work Problem.					Very Effective Team Worker; Gets Along Well with Almost Everyone; Goes Out of the Way to Help Others.			
Shows Good Judgement; Solves Many Work Problems By Self.					Good Team Worker; Gets Along Well With Others; Cooperative.			
Judgement and Problem-Solving Ability are Adequate.					Generally Performs Satisfactorily at a Team Member; Gets Along Satisfactorily with Others; Usually Cooperative.			
Exercises Little Judgement; Shows Little Problem Solving Ability.					Makes Little or No Effort to Work as a Team Member or Get Along with Others; Generally Uncooperative.			
Cannot Rate					Cannot Rate			
COMMENTS/EXAMPLES: Process judgment and problem solving takes time to acquire. Ciara Increasing her ability to problem solve as she gain confidence. When we had the leak on the E1207, she was timid in giving me a response on what was happening. With further discussion I determined that this was a confidence issue and not a process knowledge issue.					COMMENTS/EXAMPLES: Ciara gets along with team members and does what is asked. She is quiet and keeps to herself. But when she does get involved she is friendly and helpful.			
<b>FOLLOWING ORAL/WRITTEN INSTRUCTIONS</b>					<b>ORGANIZING WORK</b>			
Follows Instructions Exactly; Seeks Assistance or Clarification When Needed.					Planning, Organizing, and Work Habits are Outstanding.			
Follows Instructions Closely; Asks Questions or Seeks Information When Needed.					Plans and Organizes Work Well; Good Work Habits; Set Priorities.			
Generally Follows Instructions; Usually Asks Questions or Seeks Information When Needed.					Generally Organizes and Plans Work Well; Works Fairly Systematically; Usually Recognizes Priorities.			
Does Not Follow Instructions; Fails to Ask Questions or Seek Information When Needed.					Does Not Set Priorities; Haphazard Planning and Organizing; Poor Work Habits.			
Cannot Rate					Cannot Rate			
COMMENTS/EXAMPLES: Follows directions, does ask questions when needed.					COMMENTS/EXAMPLES: Ciara starts her work promptly at the beginning of the shift and completes her work. She is building a routine. She ask to remain in HP-2 instead of going in to the training slot as she wants to continue to work on this.			

DEF 000988



JOB INVOLVEMENT		X	AMOUNT OF SUPERVISION REQUIRED		X
Consistently Does More Than Required; Frequently Offers Suggestions for Improvement; Seeks to Expand Capabilities and Acquire New Responsibilities.			Starts and Completes Tasks Independently; Needs Minimal Supervision.		
Does What Is Required and Sometimes More; Occasionally Contributes Ideas; Shows Interest In self-Improvement.		X	Starts and Completes Tasks with Normal Supervision.		
Does Assigned Work Only; Shows Little Interest in Acquiring New Responsibilities.			Needs Some Extra Supervision to Complete Assigned Tasks.		X
Does as Little as Possible; Shows No Concern For Performance or Desire to Improve Skills.			Needs Frequent Supervision to Complete Assigned Tasks; Does Very Little Without Being Told.		
Cannot Rate			Cannot Rate		
COMMENTS/EXAMPLES: Performing the readings, samples and call cards right now. Ciara proactively does SOU training's. She has started training on the fly when she has time on Dimer/SR3 RO job			COMMENTS/EXAMPLES: She needs assistance with most tasks the first time. She is getting practice with Call cards, LOTO, C(F)3, C(F)5, and will get more experience every day.		
JOB KNOWLEDGE AND SKILLS		X	COMMENTS/EXAMPLES: Ciara is getting the hands on experience she needs to become proficient right now. Working the job and seeing the day to day things that come up is what is needed to learn the job. Some time outside tracing pipes in the unit and reviewing/ simulating procedures would be beneficial to learning the equipment and the unit.		
Making Excellent Progress in Acquiring Knowledge and Skills; Proficiency Is Well Above Expectations.					
Making Good Progress in Acquiring Knowledge and Skills; Level of Proficiency Meets Expectations.					
Making Satisfactory/Adequate Progress in Acquiring Knowledge and Skills; Proficiency Generally Meets Expectations.		X			
Progress in Acquiring Knowledge and Skills is Unsatisfactory; Proficiency is Well Below Expectations.					
Cannot Rate					
ATTENDANCE THIS REVIEW PERIOD >	NUMBER OF TIMES LATE >		NUMBER OF TIMES SICK > 0		NUMBER OF TIMES AWOL > 0
SUMMARIZE EMPLOYEES DEMONSTRATED STRENGTHS: Ciara is willing to learn and is determined. She is very safety minded not afraid to bring up safety concerns. She is honest and has integrity					
SUMMARIZE EMPLOYEES JOB IMPROVEMENT NEEDS: Ciara needs to continue learning the units and gaining knowledge of her job. Taking the initiative to go outside and learn new things is a valuable tool to becoming an effective operator. Becoming familiar with our day to day procedures (LOTO, C(F)3, C(F)5 will be valuable. Spending time in the unit, looking things over, reviewing/ simulating procedures would help to strengthen her skills.					
DATE THIS PERFORMANCE ASSESMENT WAS DISCUSSED WITH EMPLOYEE > 7/29/16					
SUMMARIZE DISCUSSION (What Employee was Told, Employees Reaction, Goals, Etc...)					
<p>BASED ON YOUR KNOWLEDGE OF THE EMPLOYEES PERFORMANCE TO DATE SHOULD THE INDIVIDUAL CONTINUE AS AN EQUILON EMPLOYEE?</p> <p>EXPLAIN:</p>					
<p>-----X----- YES      ----- NO</p>					
REVIEWERS COMMENTS					
<p>PREPARED BY SUPERVISOR (Print Name and Title) Richard L. Metcalf- TSTL Team 4 OPCEN</p> <p>SIGNATURE</p> <p>DATE PREPARED 9/21/2016</p> <p>REVIEWED BY EMPLOYEE (Print Name and Title) Clara Newton</p> <p>SIGNATURE</p> <p>DATE PREPARED</p> <p>REVIEWED BY /MANAGER (Print Name and Title)</p> <p>SIGNATURE</p> <p>DATE PREPARED</p>					



**From:** Perez, Eric G SOPUS-DMW/312 [eric.perez@shell.com]  
**Sent:** Thursday, July 28, 2016 10:48 AM  
**To:** Layne, Christine R SOPUS-HRN/AM  
**CC:** Beck, Michael A SOPUS-DMW/312; Perez, Eric G SOPUS-DMW/312  
**Subject:** Ciara talking points  
**Attachments:** Ciara discussion.docx

Christine here is my draft of the discussion with Ciara. I need to get some info from Cameron to finalize it. The way it's written is to go over being late first then go over her performance issue. We have a few coaching item in her PD file were the STL was Coaching for Performance Enhancement; these were all documented as coaching. She has 2 counseling for being late. Then we will finish up with her allegation of being treated different and unfair/singled out. Thank you



CONFIDENTIAL

DEF 000115

**Tardy:**

Ciara stated Jeff Fischer said that operators start time is 05:30 but you aren't really late till 615. I ran gate logs for the 4 new hires from 3/10- to 4/15:

**Findings:**

- From March 10-April 15 Ciara came in 6:15 or later 6 times (excluding scheduled days off).
- July 22 Ciara came in turnstile 6:18.
- Fischer's stated class started at 6 am which is consistent with the 4 new hires gate logs.
- Out of the 6 times Ciara came in past 6:15 she was marked tardy twice
- Ciara stated "that other trainees came in late and didn't get written up. She said it isn't fair that other people can come in late and not get written up if they bring in donuts". This statement is not consistent with the other 3 new hire gate logs.
- PD Entries on tardy documented below which is consistent with gate logs:

3/23/16	Counseling	Ciara was 1 hour late and was given a tardy. Explained to Ciara the attendance policy.	JSF
4/7/16	Counseling	Ciara was 45 minutes late and was given a tardy. Jeff F. and Eric Perez sat down with Ciara and Explained to Ciara the attendance policy and made sure there was not an issue.	JSF/Eric Perez

		Ciara Start	Ciara Stop	
2	10-Mar	632	332	
3	11-Mar	623	237	
4	12-Mar			
5	13-Mar			
6	14-Mar	628	327	
7	15-Mar	612	329	
8	16-Mar	600	343	
9	17-Mar	604	334	
0	18-Mar			
1	19-Mar			
2	20-Mar			
3	21-Mar	Vacation		
4	22-Mar	617	325	Tardy on timecard
5	23-Mar	709	331	
6	24-Mar	553	354	
7	25-Mar	552	229	
8	26-Mar			
9	27-Mar			
0	28-Mar	604	333	
1	29-Mar	557	331	
2	30-Mar	601	323	
3	31-Mar	549	326	
4	1-Apr			
5	2-Apr			Tardy on timecard, believe it's a date typo
6	3-Apr			
7	4-Apr	602	332	
8	5-Apr	600	339	
9	6-Apr	609	336	
0	7-Apr	601	332	
1	8-Apr	646	228	
2	9-Apr	616	348	Saturday
3	10-Apr			
4	11-Apr	600	335	
5	12-Apr	544	338	
6	13-Apr	544	338	
7	14-Apr	555	341	Friday Off
8	15-Apr	626	350	
9				
0				
1	22-Jul	618	535	marked 15 minutes tardy
2				

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DEF 000117



**Performance:**

Tank valve open and not connected to anything:

**Findings:**

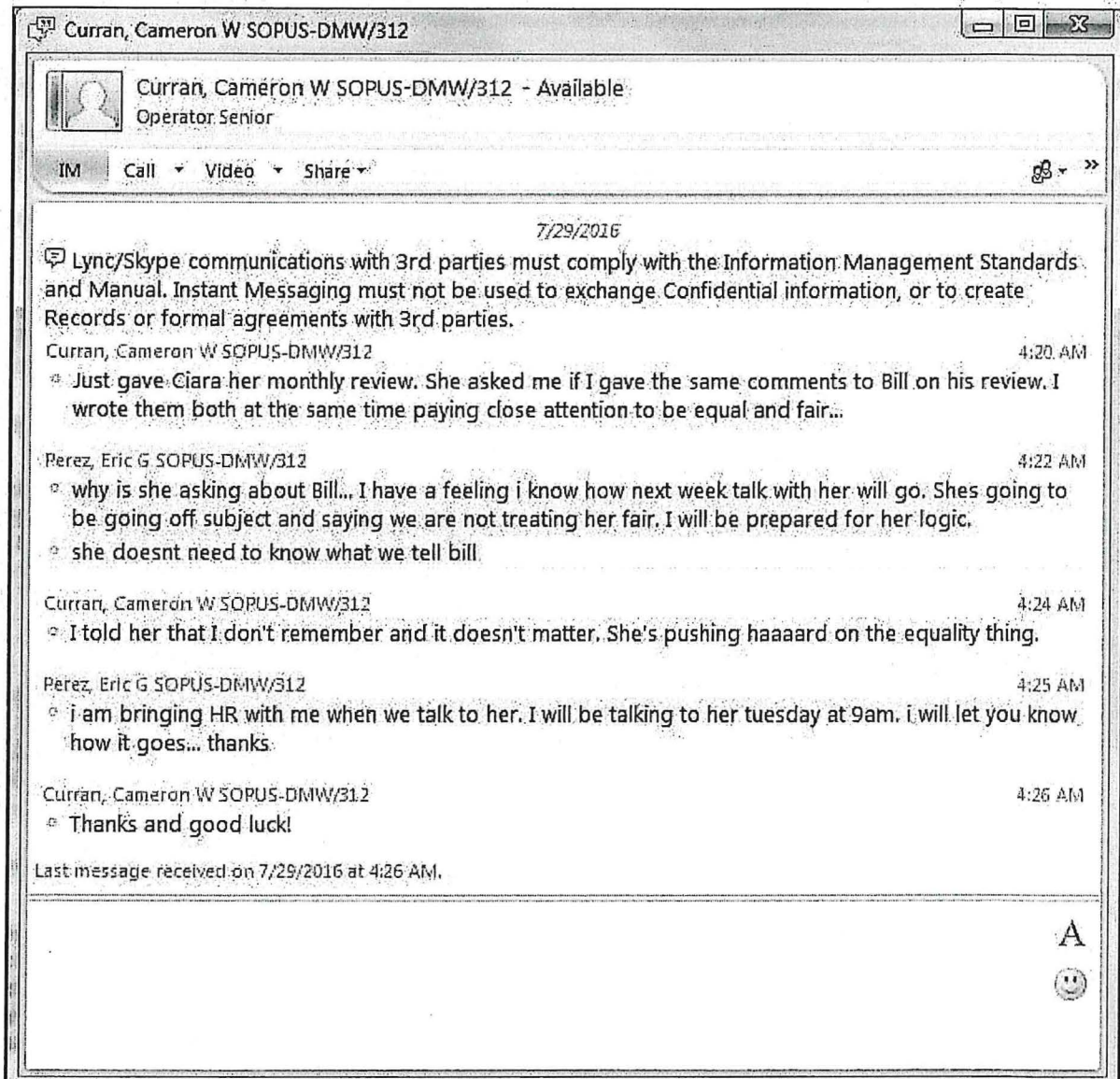
- **Baker Tank Valve:**  
Ciara stated it was dark at the location of the valve. She said she didn't use her flashlight. She said the valve she opened was the one used in the past and she was use to opening that one. Ciara also stated to the STL that she was tired and didn't think about what she was doing. This performance has a high potential of getting someone hurt or causing an environmental incident if valves are being opened due to complacency or where an environment is dark and the operator doesn't use the provided flashlight to get a clear understanding of what their opening. Ciara needs to focus on the task at hand.
- **Dragger tubes and pencil whipping reading:**  
Ciara stated she found the gas tech tube on the floor in the HP2 shelter. She said that it was only broken on one side. She said that she would know if the tube was bad if she used it and didn't get a reading. The STL cleaned up the area on 7/17 and placed 2 new boxes of draggers out. When Ciara was asked about the dragger she stated she used the one from floor of HP-2 shelter. I don't have a clear reason why she would not use the ones that were placed at the sample station. It appears from no draggers being used from the new boxes that were place out at the sample station that the sample result were just written in but we cannot prove that the sample was not taken if Ciara used a broken dragger that was only broken at one end.
- **Documented Coaching for Performance Enhancement is providing an employee the opportunity to improve. These were all documented in the PD file as coaching.**
  - Ciara left her radio on the desk and was in the unit without her radio and missing goggles from her hard hat. It was explained to her as the unit operator she needed to have her radio on at all times and goggles are a basic PPE Requirement.
  - Ciara did not call in to the board operator about bumping P-5155 while doing her readings tonight. She was asked if she bumped the pump and she said she did not. She was not sure if she should do it. I spoke with her about the importance of asking questions when you are unsure about things and she agree
  - The FXG flare sample system was in alarm. I saw that the sample cylinder in the #1 slot had the inlet valve closed. I went with Ciara to show her the sample system in alarm and fix the issue. She opened the valve and reset the system. We discussed the importance of having flare sample cylinders that are ready to use and of not resetting the system with valves closed because it can damage the sample pump.
  - It was noticed that the hold down bolts for the CPI inlet lid were not fastened and lying to the side. I went with Ciara to look at the CPI and correct the situation. I told Ciara that checking the CPI lids is one of her readings and it is important to perform the readings correctly. It is an environmental issue and needs to be done.

- Tonight I saw the oil mist reclassifier for P-5167 was full. I told Ciara about it and asked her to drain it. I explained the importance of keeping the oil in the equipment at proper levels daily and she agreed.

**Documented statement from Ciara:**

- She said it isn't fair to get in trouble for reporting when other people have incidents that don't get reported.
- She said that STL's pick and choose which incidents to report and investigate and other people are not following protocol to report incidents.
- Ciara said she thinks her teammates are reluctant or inconvenienced to help her out. She says instead of going out and showing her things they will direct her to the procedure before going out to do the work.
- She said they are setting little traps for her.
- Ciara said she's not being treated the same as the other guys.

**From:** Perez, Eric G SOPUS-DMW/312  
**Sent:** Friday, July 29, 2016 4:40 AM  
**To:** Perez, Eric G SOPUS-DMW/312  
**Subject:** Ciara



DEF 002093



**CONFIDENTIAL****From:** Perez, Eric G SOPUS-DMW/312**Sent:** Wednesday, April 13, 2016 10:27 AM

**To:** Edralin, Anita L SOPUS-HRD/LMM; Fantini, Brian P SOPUS-DMW/310; Hurtado, David A SOPUS-DMW/310; Long, Chad K SOPUS-DMW/310; Mendenhall, Donald J SOPUS-DMW/310; Perez, Eric G SOPUS-DMW/312; Quinn, Ronnie W SOPUS-DMW/310; Schlegel, Richard T SOPUS-DMW/310; Stemmer, Johnathan J SOPUS-DMW/310; Tsutsumi, Craig G SOPUS-DMW/310; Tytler, Tracy S SOPUS-DMW/310; Chamberlain, Ian B SOPUS-DMW/312; Curran, Cameron W SOPUS-DMW/312; Fregoso, Fonzo SOPUS-DMW/312; Gaskins, Michael R SOPUS-DMW/312; Goff, Donnie J SOPUS-DMW/312; King, Edward J SOPUS-DMW/31; Lett, Philip K SOPUS-DMW/312; Metcalf, Richard L SOPUS-DMW/312; Miller, Paul T SOPUS-DMW/312; Myers, Richard L SOPUS-DMW/312; Williams, Jared D SOPUS-DMW/312

**CC:** Robertson, Glenda D SOPUS-DMW/321**Subject:** SOU Sign up

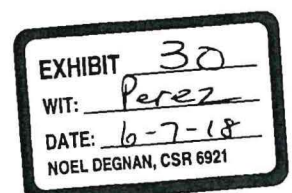
Please share with your folks to sign up using SOU prior to coming to class. Last Saturday we had 16 people show up Saturday for Driver operator training on Eng. 2 and Eng. 3. There is a maximum of 5 trainees per truck. H & S had extra instructors and split the class and rotated through the classroom and apparatus training.

H & S will not be able to accommodate this in the future. If the classes are full, people who are not signed up may be excused. SOU limits the sign up to 5 per Engine. This is to allow one instructor per Engine and plenty of hands on experience for each trainee. If they have empty seats on the engines they will give the new hires priority. Please get word to people they need to use SOU to register for classes.

Congratulations to the 4 Operators from our recent new hire class who completed their initial training. They all did well but require more practice and training on Shift with their RSL before they are qualified. But they are getting there. Please have the new hires work with their RSLs to complete their BFC Training. Below is a list of the new Operators who did their initial Driver Operator training.

This is our second week of Q2 BFC Training. BFC Training is on Friday and Driver Operator Training is on Saturday. We have 10 people signed up for BFC Training. Engine # 3 is full with a waitlist. Engine #2 has 5 seats available. Please encourage your folks to get signed up. Thank you

<b>6</b>	OPCEN
<b>7</b>	DCD
<b>9</b>	OPCEN
<b>Newton, Ciara</b>	OPCEN



**From:** Perez, Eric G SOPUS-DMW/312 [eric.perez@shell.com]  
**Sent:** Wednesday, September 21, 2016 9:00 AM  
**To:** Layne, Christine R SOPUS-HRN/AM  
**CC:** Perez, Eric G SOPUS-DMW/312; Beck, Michael A SOPUS-DMW/312  
**Subject:** (Ciara) Jeff and Cameron interview

9/20/16

Interview Jeff Fischer

Attendees: Guy Rozar, Eric Perez

**Question:** Do you recall Ciara asking you about funeral leave for her father. How did that conversation go?

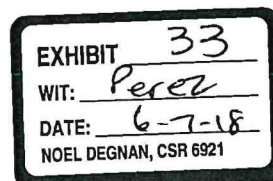
- Jeff: Everything that happened was 2.5 hrs into the class and Ciara received a text that her father was in coma. Jeff stopped her and asked her if he could give her a ride were ever she needed to go or could he get her a taxi. She said no, then Jeff asked for her phone number and he gave her his number. Jeff still has the text on his phone of him trying to get ahold of her. Her boyfriend called and left a message on Jeff's phone, it was a garbled message that her father had passed away. Jeff called Dustin (her fiancé) and gave him Eric Perez number with instructions to call Eric.

**Question:** Did Ciara ever bring up concern about how it was handled?

- Jeff: No, Jeff explained to her the company normal policy with 3 days allotted for funeral leave. Jeff said not once did she complain about how it was handled.

**Question:** Where you are aware of any tardy' s with the 4 new hires while they were on days? Tell me how that went.

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**DEF 000124**

- Jeff said Ciara was the only one with a tardy. Jeff said he explained how the PD system worked and went over the importance of getting to work on time. Jeff went over the policy and they actually went over that in class when they were on days with learning and development. The second time she was late Jeff involved Eric Perez and we they sat down with her. Jeff says she was saying ok but felt she wasn't listening to what he had to say. One time Jeff said he had to text her to wake her up. Jeff still has the text and will send to Eric Perez.

Question: Did Ciara bring up any concern about she wasn't being treated equal?

- Yes she thought she was being treated different with her qualifications, Jeff said he didn't have the proper paper work but it was a misunderstanding of who can sign off. Jeff said Ciara refused to give him the paper work because she said Jeff wasn't treating her fair. Jeff thinks she was going to keep the paper work as evidence he was not treating her fairly. Jeff asked Ciara's Forman that he needed the original paper work so he could turn it in. He said she can make copies but he needed the originals to turn in.

Any other thing Jeff you would like to say:

- During training she would walk away from the group constantly. Jeff said he sat down with Ciara and Patrick Neuman and explained they were following behind in the training and that Jeff needed to go to the TA. Jeff said he explained this was not a firing but he needed to go to the TA and they were following behind. Jeff said Ciara thought that was unfair.



## Interview Cameron

Attendees: Guy Rozar, Eric Perez

Question: Tell me about the incident with the acid spill? How did that go, what was your and Ciara response?

- They came in on Monday and they had a call from the chemical company about over filling the acid tank. They looked at the shift reports and didn't see anything noted. They went back to see what team was on when it happened. Cameron saw there were oyster shells on the spill. That was on Monday and then on Tuesday the vendor came out and talked to Cameron about the acid spill. The vendor talked to Cameron about how it happened. The spill happened not on Cameron's team but on another team. He was in the door way of his office talking to the vendor about what had happened and Ciara overheard what was said. At the end of the day Cameron was reviewing the shift reports and saw that Ciara reported there was an acid spill. Cameron asked her how she knew about it and she said she overheard the conversation with Cameron and the vendor. Cameron explained he was going to talk to the shift team leader of the team it happened on. I told her if she left it in her shift report the operator might get in trouble and he wanted to talk to the shift team leader about the incident. Cameron told Ciara she can leave it on there but the operator may get in trouble. Cameron wanted to address it to the team leader that night at shift change. She said she understands and

didn't want to get Jose in trouble and took it out. Cameron said he would rather handle it with the team leader.

- Then Cameron discussed the incident with Donnie the STL, they submitted a 0-60 to report the incident. On Wednesday's Cameron was helping her get her permits out and they were doing a permit for a scaffold builder that was waiting by the acid tank and Ciara said she was scared of the acid. Cameron asked what she was scared of and she said the acid. Cameron asked what acid and she stated from the spill. Camron asked her how the scaffold builder would get hurt since he was not near where it happened. Cameron said the spill was neutralized and the hazard was gone when the incident initially happened. Ciara walked over to show Cameron what she was scared of and she said to Cameron what the MSDS exposure limits were. He asked how it was going to hurt them were they were at (away from where it happened). Deanna came to Cameron and told him Ciara was crying in the locker room. Deanna said it was something about the acid and he explained the situation. Then Cameron went to show Ciara where the oyster shells were and to satisfy her fears they put more oyster shells on it not to neutralize it because it had already been neutralized when the incident happened. The reason Cameron talked to her about putting it in her shift report was he wanted to handle it with the team leader and didn't want Ciara to get a reputation of tattle tale.

Question: Did she bring up any other issues on how it was handled?

- No other issues were brought up about the acid tank. Camron felt like Ciara was holding this over his head like she had something on Cameron. She told Cameron other people can do things wrong and not get in trouble. Cameron says he would



keep Eric Perez in the loop as incidents came up. Cameron called Eric when she opened up the valve on the baker tank. Cameron says he would never try to hide anything from Eric Perez and that it was all in the open. Cameron brought to Eric Perez concerns about her performance, Cameron said Eric Perez said we need to treat her like we would anyone else and Cameron agreed states that he does treat her like all his operators. Cameron did give extra attention to bring her performance up and mentor \ develop her for success. Cameron says she really doesn't have a lot of motivation, newer operators have, normally they are excited and want to do everything. Cameron says he told her to trace pipes to get a better understanding of the unit and to practice procedures to better her knowledge. He says the other new hires were already doing the line tracing and procedures.

Question: The lid you told Ciara to secure she says you told her at 730, do you recall how that conversation went?

- Camron said it was at the end of night shift around approximately 03:30. Cameron coached Ciara on the need to keep the lids closed due to environmental issues. Ciara said ok she would do it. Cameron didn't want to see it become an environmental incident. Cameron says it an inteltrack reading and Ciara said she had clicked yes she had done it but on this day the lid still needed to be latched.

NOTE from Cameron:

- The flexigas sample station was in alarm and Cameron said lets go look at it, they found the valve closed and he said to open the valves and she didn't know which way was opened



and closed. They discussed it and then the second night it happen again and it was in alarm and the valves were closed. This is a sample they do every night. Ciara didn't understand which way the valve needs to be turned to open and close the valves. Cameron explained to her righty tightly lefty lossey, he also drew a clock to help her understand.